



WEB COPY



H.C.P.No.894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MRS. JUSTICE **K. GOVINDARAJAN THILAKAVADI**

H.C.P.No.894 of 2023

T.Nagappa

.. Petitioner

VS

1.The Superintendent of Police,
Krishnagiri District, Krishnagiri.

2.The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

3.Bharath

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the petitioner's wife, namely, Swarna, aged 41 years, before this Court from the illegal custody of the 3rd respondent and to set her at liberty.

For Petitioner : Mr.R.S.Maitreya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John for R1 & R2



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ORDER

[Order of the Court was made by **K. GOVINDARAJAN THILAKAVADI, J.**]

Petitioner has filed the present habeas corpus petition seeking for a direction to the second respondent to produce his wife (hereinafter 'absentee') aged about 41 years before this Court from the illegal custody of the third respondent and to set her at liberty.

2. According to the petitioner, he is working as Makkal Nala Paniyalar in the Government of Tamil Nadu and the marriage between the petitioner and the absentee was solemnised 22 years back. From the said wedlock, two children were born and they are 19 years and 17 years now and they were leading a peaceful life. While so, the absentee, who is working as cashier at SS Medicals was found to be missing from 01.04.2023. Hence the petitioner lodged a complaint before the second respondent police on 04.04.2023. Since no action was taken on the said complaint, the petitioner preferred another complaint on 24.04.2023 to the first respondent and the same was forwarded to the second respondent and a case was registered in Crime No.96 of 2023 for 'woman missing'. Since there is no progress thereafter, the petitioner has filed this habeas corpus petition.



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3. Learned Additional Public Prosecutor submits that the second respondent has constituted a team and effective measures have been taken to locate the absentee and they are hopeful of locating the absentee very shortly. Learned Additional Public Prosecutor also submits that preliminary investigation reveals that it is not a case of illegal detention.

4. In view of the submission made by the learned Additional Public Prosecutor, as and when the absentee is located, the second respondent is directed to produce her before the jurisdictional magistrate i.e., Judicial Magistrate I, Hosur, after due intimation to the petitioner. If there is no progress in the matter, the petitioner is at liberty to approach this Court .

5. With the aforesaid direction, this habeas corpus petition is closed.

(M.S.,J.) (K.G.T.,J.)
08.06.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The Judicial Magistrate I,
Hosur.
- 2.The Superintendent of Police,
Krishnagiri District, Krishnagiri.
- 3.The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.
- 4.The Public Prosecutor
High Court, Madras.



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**M.SUNDAR, J.,
and
K. GOVINDARAJAN THILAKAVADI, J.,**

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