



H.C.P.No.961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

H.C.P.No.961 of 2023

Kohila

W/o.Sundarasamy

.. Petitioner

Vs.

1. The Commissioner of Police
Tiruppur City, Tiruppur.
2. The Inspector of Police
Tiruppur North Police Station
Tiruppur City
Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the body and person of petitioner's husband Mr.Sundarasamy, W/o.Chinnasamy, aged about 61 years and set him at liberty forthwith.

For Petitioner	:	Mr.R.Prabakar
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.Sylvester John, Advocate

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ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's complaint that her spouse Mr.Sundarasamy, aged 61 years, is missing from 16.09.2022 and a police complaint given by her (petitioner) on 27.09.2022 in the jurisdictional police station (Tiruppur North Police Station) vide Crime No.1165 of 2022 remains unattended.

3. Mr.R.Prabakar, learned counsel for petitioner submits that the petitioner has apprehension that the absentee may have been illegally detained by some one.

4. Issue notice



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5. Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted

by learned counsel Mr.Sylvester John) accepts notice for both respondents.

Learned Prosecutor, on instructions from Mr.P.Kumar, Special Sub-Inspector of Police, Tiruppur North Police Station, Tiruppur District, submits that pursuant to the aforementioned 27.09.2022 complaint given by the petitioner, a special team has been formed and investigation was kick started. Learned Prosecutor submits that the investigation thus far brings to light that this may not be a case of illegal detention and there appears to be some mental imbalance qua absentee but we express no opinion on this submission.

6. As *prima facie*, it appears to be a case which does not fall under the category of illegal detention and also taking into account the fact that the absentee is 61 years old, we deem it appropriate to dispose of the captioned HCP by saying that the respondents on locating the absentee shall produce him before the jurisdictional Magistrate (we are informed that jurisdictional Magistrate is Judicial Magistrate No.I, Tiruppur) with prior intimation to the petitioner. Jurisdictional Magistrate on such production shall proceed with



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the matter on its own merits and in accordance with law.

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7. Learned Prosecutor, on instructions submits that four weeks from today would be realistic time frame for locating the absentee. This submission is also recorded.

8. While we drop curtains on the captioned HCP, we make it clear that all the rights and contentions of the absentee and / or anyone concerned for the absentee are preserved qua any other legal proceedings and rights are also preserved to come back to this Court with similar/same prayer if there is undue delay in locating the absentee.

9. Captioned HCP is disposed of with the aforementioned observations. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

08.06.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To
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1. The Commissioner of Police
Tiruppur City
Tiruppur.
2. The Inspector of Police
Tiruppur North Police Station
Tiruppur City
Tiruppur District.
3. The Public Prosecutor
High Court, Madras.



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

mk

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