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H.C.P.No.957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

H.C.P.No.957 of 2023

L.Mohan Babu
S/o.Late A. Lakshmikanthan

.. Petitioner

Vs.

1. The Deputy Commissioner of Police
Adyar, Chennai-20.

2. The State rep. by its
The Inspector of Police
J-3, Guindy Police Station
Chennai-600 032.

.. 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 petitioner's mother namely, Vasanthi, wife of late A.Lakshmikanthan aged about 74 years or her body before this Hon'ble Court and set her at liberty forthwith.

For Petitioner : Ms.Raji

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

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 mother one 'Vasanthi, aged about 74 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 15.05.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent), the same has been taken on record as Crime No.337 of 2023 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice.



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4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted by learned counsel Mr.Sylvester John) accepts notice for both respondents and submits on instructions (instructed by Mr.P.K.Syed Ali, Sub-Inspector of Police, J-3, Guindy Police Station, Chennai) that pursuant to the aforementioned complaint dated 19.05.2023 (Crime No.337 of 2023), investigation was kick started, a special team has been formed, a Special Sub-Inspector of Police is heading the team, investigation thus far does not show any trappings of illegal custody or unlawful detention and the jurisdictional police is hopeful of locating the absentee in four weeks from today i.e., by 05.07.2023.

5. Let the investigation proceed in accordance with law uninfluenced by this HCP.

6. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the petitioner (absentee's son). The jurisdictional Magistrate to proceed in accordance with law. We are informed that the jurisdictional Magistrate is Metropolitan Magistrate No.IX, Saidapet, Chennai.



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7. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner or anyone concerned for the absentee are preserved and left open for being raised in collateral or similar proceedings. Further we make it clear that it is open to the petitioner to come back to this Court not only with a similar but even same prayer if the need arises. All the rights of all concerned are preserved.

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

(M.S.,J.)

(K.G.T.,J.)

07.06.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

1. The Deputy Commissioner of Police
Adyar, Chennai-20.
2. The State rep. by its
The Inspector of Police
J-3, Guindy Police Station
Chennai-600 032.
3. The Public Prosecutor
High Court, Madras.

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

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