



WEB COPY



H.C.P.No.1000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1000 of 2023

D.Senthilkumar
S/o.Dharmalingam

.. Petitioner

Vs.

1. The Superintendent of Police
Namakkal District
Namakkal.

2. The Sub Inspector of Police
Namakkal Police Station
Namakkal.

..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 wife S.Akila, aged 36 years, wife of D.Senthilkumar before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.K.Anbarasan
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

Page Nos.1/6



H.C.P.No.1000 of 2023

WEB COPY

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 spouse one 'S.Akila, aged 36 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 08.03.2023, 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.109 of 2023 dated 08.03.2023 on the file of second respondent and the absentee has not been located as yet.

3. We are informed that there are two children for the petitioner and absentee. This Court is informed by Mr.K.Anbarasan, learned counsel on record for petitioner that two children are aged 17 and 13 years, more importantly, this Court is informed that both children are now with the



H.C.P.No.1000 of 2023

petitioner.

WEB COPY

4. Issue notice.

5. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents and submits on instructions (instructed by Mr.K.Balasubramaniam, Special Sub-Inspector of Police, Namakkal Town Police Station) that pursuant to the aforementioned complaint dated 08.03.2023 (Crime No.109 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 13.07.2023.

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



H.C.P.No.1000 of 2023

7. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the petitioner (absentee's spouse). The jurisdictional Magistrate to proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate No.I, Namakkal.

8. 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.

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

(M.S.,J.)

(R.S.V.,J.)

15.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

mk

Page Nos.4/6



H.C.P.No.1000 of 2023

To
WEB COPY

1. The Superintendent of Police
Namakkal District
Namakkal.
2. The Sub Inspector of Police
Namakkal Police Station
Namakkal.
3. The Public Prosecutor
High Court, Madras.

M.SUNDAR, J.,

Page Nos.5/6



WEB COPY



H.C.P.No.1000 of 2023

and
R.SAKTHIVEL, J.,

mk

H.C.P.No.1000 of 2023

15.06.2023

Page Nos.6/6