



WEB COPY



H.C.P.No.987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.987 of 2023

M.Dillibabu
S/o.Muthumani

.. Petitioner

Vs.

1. State Rep. by
The Deputy Commissioner of Police
Redhills District
Redhills, Chennai.
2. State Rep. by
The Asst. Commissioner of Police
Redhills District
Redhills, Chennai.
3. State Rep. by
The Inspector of Police
E5, Sholavaram Police Station
Redhills District.
4. Mr.Parthasarathy
S/o.Ashok Kumar

..Respondents

Page Nos.1/6



H.C.P.No.987 of 2023

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 3rd respondent police to produce the petitioner's wife namely, Mrs.D.Vijayakumari, aged about 36 years, before this Hon'ble Court from the custody of the 4th respondent and set her at liberty.

For Petitioner : Ms.V.Kayalvizhi
representing Mr.M.D.Ilayaraja
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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 'D.Vijayakumari, aged about 36 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 29.03.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (third respondent), the same has been taken on record as Crime No.246 of 2023 on the file of third respondent and the absentee has not been located as yet.

Page Nos.2/6



H.C.P.No.987 of 2023

3. This Court is informed that 7 years old minor son born from wedlock between the petitioner and absentee is now with the petitioner and this position is confirmed by learned counsel for the petitioner.

4. Issue notice.

5. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 to 3 and submits on instructions (instructed by Ms.J.Prema, Special Sub-Inspector of Police, E5, Sholavaram Police Station, Redhills) that pursuant to the aforementioned complaint dated 01.04.2023 (Crime No.246 of 2023), investigation was kick started and 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 11.07.2023 by forming a special team.

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

Page Nos.3/6



H.C.P.No.987 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.II, Ponneri.

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.)

13.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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Page Nos.4/6



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H.C.P.No.987 of 2023

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Redhills, Chennai.
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The Inspector of Police
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4. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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H.C.P.No.987 of 2023

13.06.2023

Page Nos.6/6