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H.C.P.No.1045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1045 of 2023

M.Sivasathya
W/o.M.Manikandan

.. Petitioner

Vs.

1. The Commissioner of Police
EVK Sampath Salai,
Vepery, Chennai-600 007.
2. The Inspector of Police
K-2, Ayanavaram Police Station
Chennai District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct respondents to produce petitioner's husband namely, M.Manigandan, son of Munusamy, aged about 36 years before this Hon'ble Court and set him at liberty.

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

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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 spouse one 'M.Manikandan, aged 36 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 21.05.2023, 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.187 of 2023 on the file of second respondent and the absentee has not been located as yet.

3. This Court is informed that 10 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.

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5. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents and submits, on instructions, that pursuant to the aforementioned complaint dated 30.05.2023 (Crime No.187 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 six weeks from today i.e., by 01.08.2023 by forming a special team.

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

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 Metropolitan Magistrate No.V, Egmore, Chennai.



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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 in this regard 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.)

20.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

mk

To

1. The Commissioner of Police
EVK Sampath Salai,
Vepery, Chennai-600 007.
2. The Inspector of Police
K-2, Ayanavaram Police Station
Chennai District.
3. The Public Prosecutor

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High Court, Madras.



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

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