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H.C.P.No.1090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1090 of 2023

Sangeetha
W/o.Suganraj

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police Office
Thiruvarur District.
2. The Inspector of Police
Perugavazhathan Police Station
Thiruvarur District.
3. Amutha
W/o.Dhanapal

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents 1 and 2 to produce the person or body of the detenu by name Suganraj, S/o.Dhanapal, male, aged 31 years before this Hon'ble Court and set him at liberty.

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For Petitioner : Mr.S.Anbazhagan
for Mr.D.S.Haroon Rasheed
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 'Suganraj, aged 31 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 10.04.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent), the same has been taken on record vide C.S.R.No.97 of 2023 dated 08.5.2023 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice.

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4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 and 2 and submits on instructions (instructed by Mr.G.Mohanraj, Sub-Inspector of Police, Koothanallur Police Station, Tiruvarur District) that pursuant to the aforementioned complaint dated 08.05.2023 (CSR No.97 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 07.08.2023 by forming a special team. Learned Prosecutor submits that preliminary investigation also brings to light that it appears to be a case of matrimonial discord but we refrain from expressing any view or opinion on this aspect of the matter.

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 spouse). The jurisdictional Magistrate to proceed in accordance



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with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate No.II, Mannargudi.

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.)

(R.S.V.,J.)

26.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Office of the Superintendent of Police Office
Thiruvarur District.
2. The Inspector of Police
Perugavazhathan Police Station
Thiruvarur District.
3. The Public Prosecutor
High Court, Madras.



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

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