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H.C.P.No.1182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1182 of 2023

K.Arunmathi @ Arulmathi
W/o.Haribabu

.. Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai City, Veppery
Chennai-600 007.
2. The State rep by
The Inspector of Police
H-8, Thiruvottiyur Police Station
Chennai-600 042.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct 2nd respondent to produce the petitioner's husband namely, Haribabu, male, aged 32 years and produce him before this Hon'ble Court and set him at liberty.

For Petitioner	:	Mr.C.Karthik
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 brevity, convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's spouse one 'Haribabu, aged 36 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 28.02.2023, 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.167 of 2023 dated 05.03.2023 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice.

4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents and submits, on instructions, that pursuant to

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the aforementioned complaint dated 05.03.2023 (Crime No.167 of 2023), investigation was kick started and investigation thus far does not show any trappings of unlawful custody or illegal detention and the jurisdictional police is hopeful of locating the absentee in four weeks from today i.e., by 04.08.2023 by forming a special team. Learned Prosecutor submits that the preliminary investigation further reveals that the absentee has fallen in debts owing to online rummy addiction but we express no opinion on this as the investigation is proceeding.

5. Let the investigation proceed in accordance with law uninfluenced by this order and let the investigation be carried to its logical end.

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 is requested to record statements and proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate, Thiruvottiyur.



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7. If there is undue delay or if there is any other development / change of circumstances, 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.

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.)

07.07.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Commissioner of Police
Greater Chennai City, Veppery
Chennai-600 007.
2. The State rep by
The Inspector of Police
H-8, Thiruvottiyur Police Station
Chennai-600 042.
3. The Public Prosecutor
High Court, Madras.

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

mk

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