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H.C.P.No.1274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1274 of 2023

K.Venkatesan

.. Petitioner

Vs.

1. The Deputy Superintendent of Police
Palacode
Dharmapuri District

2. The Inspector of Police
Marandahalli Police Station
Dharmapuri 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 the person or body of the petitioner's wife namely Jothi, Wife of Venkatesan, aged about 29 years before this Court and set her at liberty.

For Petitioner	:	Mr.J.Pradeep
For Respondents	:	Mr.E.Raj Thilak
		Addl. Public Prosecutor for 1 to 3

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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 wife 'Jothi, aged about 29 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 01.06.2023, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent police station) on 01.06.2023, the same has been taken on record as Crime No.129 of 2023 dated 01.06.2023 on the file of second respondent police station and the absentee has not been located as yet.

3. Issue notice to official respondents.

4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both the respondents and submits on instructions (instructed by Mr.K.Vinu, Sub-Inspector of Police, Marandahalli Police Station) that

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pursuant to the aforementioned complaint dated 01.06.2023 (Crime No.129 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 ten weeks from today i.e., by 27.09.2023.

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 to record statements with prior intimation to the petitioner (absentee's husband). We are informed that the jurisdictional Magistrate is Judicial Magistrate, Palacode. We make it clear that all the rights of the petitioner, absentee and anyone else concerned with this case are preserved as captioned HCP is disposed of in the Admission Board albeit with notice to official respondents.



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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, absentee 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 / if there are other developments. All the rights of all concerned are preserved.

8. Captioned HCP is disposed of with the aforementioned observations / directives.

(M.S.,J.)

(R.S.V.,J.)

19.07.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

gpa



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To
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1. The Deputy Superintendent of Police
Palacode
Dharmapuri District
2. The Inspector of Police
Marandahalli Police Station
Dharmapuri District
3. The Public Prosecutor
High Court, Madras.



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

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