



WEB COPY



HCP No.1270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1270 of 2023

B.Govindaraj
S/o.Mr.Balu

.. Petitioner

Vs.

1. The Commissioner of Police
Commissioner Office
Avadi, Chennai-600 054.
2. The Inspector of Police
Thirumullaivayol Police Station
Chennai-600 077.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent police to produce petitioner's mother Mrs.Poongavanam, wife of Mr.Balu, aged about 38 years, before this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.P.Balamurugan
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor



WEB COPY



HCP No.1270 of 2023

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].

2. Factual matrix in a nutshell is that the petitioner is residing with his mother and sister in Iyapakkam, Chennai in the address mentioned in the cause title supra; that the petitioner's mother [hereinafter 'absentee' for the sake of convenience and clarity. To be noted, we are informed that the petitioner's mother is about 60 years old but it has been wrongly mentioned as 38 years in paragraph No.3 of the support affidavit] has physical and mental disabilities; that the absentee used to leave home very often but would return in 2 or 3 days; that on 15.06.2023, the absentee left home at about 10.00 a.m. but did not return; that therefore, petitioner preferred a complaint in the jurisdictional police station (T-10 Thirumullaivoyil police station); than an FIR being FIR No.288 of 2023 dated 19.06.2023 was registered (woman missing); that the captioned HCP has been filed in this Court on 10.07.2023.



HCP No.1270 of 2023

3. As Mr.V.Palani, Sub-Inspector of Police, T-10, Thirumullaivoyal Police Station was present in Court, we requested learned Prosecutor to accept notice though there is no allegation of illegal detention.

4. We requested learned Prosecutor to address this Court on instructions from aforementioned police officer. Learned Prosecutor, on instructions from the aforementioned officer from jurisdictional police station submitted that pursuant to the aforementioned FIR dated 19.06.2023, a special team headed by a Sub-Inspector of Police has been formed and every step is being taken to locate the absentee. Learned Prosecutor also submits that all standard operating procedures in cases of this nature have also been adhered to and we deem it appropriate to not to dilate on the same in detail owing to limited scope of captioned HCP.

5. As this is not a case of illegal detention or unlawful custody even according to the petitioner, we deem it appropriate to drop the curtains on the captioned HCP albeit recording the submission of learned Prosecutor, on instructions that all efforts are being taken pursuant to the aforementioned FIR.



HCP No.1270 of 2023

6. We also make it clear that if there is any undue delay in concluding the matter, it is open to the petitioner and or anyone concerned for the absentee to approach this Court or any other Court with a suitable prayer.

7. Captioned HCP disposed of as closed albeit recording the stated position of learned Prosecutor and preserving all the rights of the petitioner in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
17.07.2023

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No.

mk

To

1. The Commissioner of Police
Commissioner Office
Avadi, Chennai-600 054.
2. The Inspector of Police
Thirumullaivayol Police Station
Chennai-600 077.
3. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP No.1270 of 2023

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

mk

H.C.P.No.1270 of 2023

17.07.2023