



H.C.P.No.1303 of 2023

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.1303 of 2023

Saravanan

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Erode District

2. The Inspector of Police
Puliampatti Police Station
Erode District

3. Shankarkumar

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the petitioner's wife namely Sasikala, wife of Saravanan, aged about 36 years before this Court and set her at liberty.



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For Petitioner : Ms.K.Dhivyashree
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 brevity, convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's wife 'Sasikala, aged 35 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 06.07.2023, a complaint in this regard has been lodged with jurisdictional police (second respondent), the same has been taken on record as Crime No.220 of 2023 dated 07.07.2023 on the file of second respondent and the absentee has not been located as yet. This Court is informed that both the children, 15 years old son and 12 years old daughter are with the petitioner.

3. Issue notice to official respondents.

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4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for Respondents 1 and 2 (official respondents) and submits, on instructions, that pursuant to the aforementioned complaint dated 07.07.2023 (Crime No.220 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 ten weeks from today i.e., by 27.09.2023 by forming a special team.

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 husband). The jurisdictional Magistrate is requested to record statements and proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate V, Coimbatore.

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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.)

19.07.2023

Index : Yes /No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

gpa



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To

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



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and
R.SAKTHIVEL, J.,

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