



H.C.P.No.1370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1370 of 2023

E.Lavanya

.. Petitioner

Vs

1.The Commissioner of Police,
Commissionerate of Tambaram,
Tambaram.

2.The Inspector of Police,
T10 Manimangalam Police Station,
Manimangalam, Kanchipuram District.

.. 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 body or person of petitioner's husband K.Aranganathan, aged 33 years, before this Court and set him at liberty.

For Petitioner : Mr.S.Pushpakaran

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 K.Aranganathan, aged 33 years, [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 14.06.2023, 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.168 of 2023 on the file of second respondent and the absentee has not been located as yet.

3. Mr.S.Pushpakaran, learned counsel on record for petitioner submits that the petitioner and absentee who have been married for about four years now have 3 ½ year old male child and the male child is now with the petitioner (mother).



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4. Issue notice to official respondents.

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5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for official respondents and submits on instructions that pursuant to the aforementioned complaint dated 23.06.2023 (Crime No.168 of 2023), investigation was kick started, a special team has been formed, 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 eight weeks from today i.e., by 20.09.2023.

6. Let the investigation proceed in accordance with law uninfluenced by this HCP order.

7. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the HCP petitioner (absentee's wife). The jurisdictional Magistrate to proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate II, Tambaram. We make it clear that the rights of anyone concerned with this case are preserved as captioned HCP is disposed of in the Admission Board albeit with notice



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to official respondents.

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8. 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 there are other developments and if the need arises. All the rights of all concerned are preserved.

9. 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.)
26.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1.The Commissioner of Police,
Commissionerate of Tambaram,
Tambaram.

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- 2.The Inspector of Police,
T10 Manimangalam Police Station,
Manimangalam, Kanchipuram District.
- 3.The Judicial Magistrate II,
Tambaram.
- 4.The Public Prosecutor
High Court, Madras.



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

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