



WEB COPY



HCP No.2701 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P.No.2701 of 2022

N.Sumathi

.. Petitioner

-VS-

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai – 7.

2.State rep. By
The Inspector of Police,
H6 R.K.Nagar Police Station,
Chennai – 21.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents to produce the petitioner's son Ashok Kumar, Son of Nandakumar, aged about 42 years before this Court and to set him at liberty forthwith.

For Petitioner : Mr.S.L.Venkatesan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



HCP No.2701 of 2022

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This order will now dispose of captioned habeas corpus petition. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 28.12.2022 (Hon'ble Predecessor Bench) and 25.01.2023 which read as follows:

'28.12.2022

The petitioner is the mother and her son viz. Ashok Kumar, aged about 42 years, is reported to be missing and it is the stand of the learned counsel for the petitioner that Ashok Kumar is missing in the residence of his own wife.

2. Let the petitioner appear before the second respondent/police on 29.12.2022 between 11.00 a.m. and 02.00 p.m. and give a complaint.

3. Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor takes notice for the respondents.

Call the matter once again on 23.01.2023.'

'25.01.2023

The learned counsel for the petitioner submits that on receipt of summons dated 16.01.2023, the petitioner



WEB COPY



HCP No.2701 of 2022

has appeared before H6, R.K.Nagar Police Station on 19.01.2023 and gave her statement. The family members of R.Menaka were also enquired, thereafter, no action was taken and it is not aware about further course of enquiry.

2. The learned Additional Public Prosecutor refuted the same by stating that the petitioner failed to appear before the concerned police station and due to non-cooperation of the petitioner, progress in enquiry getting stalled. His further submission is, it is purely a family dispute.

3. For this reason, he has to file a petition before concerned police for 'Man Missing' and not to file a habeas corpus petition. In any event, this Court directs the respondents to complete the enquiry and to file a status report within a period of two weeks.

4. List after two weeks. List on 08.02.2023.'

2. The aforementioned proceedings shall be read as an integral part and parcel of this order. The aforementioned proceedings are also tell-tale *qua* the trajectory the matter has taken.

3. Today, Mr.S.L.Venkatesan, learned counsel for petitioner and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for respondents are before us.

4. Adverting to aforementioned earlier proceedings, learned



HCP No.2701 of 2022

State Additional Public Prosecutor submits that the first information report (FIR) dated 08.02.2023 vide FIR No.29 of 2023 has since been registered. A copy of the same is also placed before us and learned counsel for the petitioner has also been favoured with a copy of the same. Let the law and investigation take its course.

5. Though obvious we make it clear that we have not expressed any view or opinion on merits in this case.

6. Recording the aforesaid obtaining position, captioned habeas corpus petition is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (M.N.K., J.)
09.02.2023

Index:Yes/No
Neutral Citation : Yes/No
mmi

To

Page 4 of 6



HCP No.2701 of 2022

WEB COPY

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai – 7.
- 2.The Inspector of Police,
H6 R.K.Nagar Police Station,
Chennai – 21.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No.2701 of 2022

**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

mmi

H.C.P.No.2701 of 2022

09.02.2023