



HCP(MD)No.449 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.449 of 2023

J.Clara

.. Petitioner / Wife of Detenu

Vs.

1.The Commissioner of Police,
Commissioner of Police Office,
Subramaniapuram,
Trichy City.

2.The Inspector of Police,
K.K.Nagar Police Station,
Trichy.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of detenu (husband of petitioner) namely Joseph Immanuel S/o.V.T.Alagesan, aged about 72 years old before this Court and set him at liberty.



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For Petitioner : Mr.N.Marimuthu
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition has been filed for issuance of writ of Habeas Corpus to produce the body or person of the petitioner's husband, namely Joseph Immanuel, S/o.V.T.Alagesan, aged about 72 years, before this Court and set him at liberty.

2. The petitioner's husband, namely, Joseph Immanuel, is a pensioner, who is alleged to have went missing from 25.10.2021 onwards. Her complaint in this regard has been registered in Crime No.287/2023 on 04.04.2023 under the caption “man missing”.

3. Admittedly, the petitioner's husband is not under the illegal custody of anyone and it is a case of man missing. When the respondent Police have



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already registered the complaint and they are in the process of investigation, this Court, exercising its powers under Article 226 of the Constitution of India, will not venture to issue a writ of Habeas Corpus to secure a missing person. It is needless to point out that the appropriate remedy available to the petitioner would be to follow the investigation or invoke Section 482 of Cr.P.C. In this background, the prayer sought for in the present Habeas Corpus Petition does not require consideration. However, the second respondent herein shall expedite the investigation in Crime No.287/2023 and file a final report as early as possible.

4. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
07.08.2023

NCC : Yes / No
Index : Yes / No
Lm



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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
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