



H.C.P.No.23 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 11.01.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**H.C.P.No.23 of 2024**

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...Petitioner/Wife of the Detenu

Vs.

1.The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai – 600 007.

2. The Inspector of Police,  
K.8, Arumbakkam Police Station,  
Chennai – 600 106.

...Respondents.

**Prayer** : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the 2<sup>nd</sup> respondent to produce the detenue Babu S/o.Ramadoss male aged about 45 years before this Court and set him at liberty.



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For Petitioner : Mr.N.Selvarajan  
For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the wife of one Babu, who is alleged to have gone missing from 05.09.2011 onwards. She claims to have given a complaint after about 12 years on 27.09.2023 and since her complaint was not acted upon within a reasonable time, the present Habeas Corpus Petition is filed.

2. In the affidavit filed in support of the present Habeas Corpus Petition, apart from stating that the petitioner's husband had gone missing and that she is not aware of his whereabouts, there are no averments with regard to any illegal detention on the part of anybody. While that being so, we are unable to comprehend as to how the petitioner can invoke Article 226 of the Constitution of India for issuance of a Habeas Corpus. However, if the petitioner is of the view that her husband has to be traced expeditiously, liberty is granted to her to pursue the complaint made before the respondents in the manner known to law.



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3. With the above observation, this Habeas Corpus Petition stands closed.

[M.S.R., J] [S.M., J]  
11.01.2024

ars

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai – 600 007.

2. The Inspector of Police,  
K.8, Arumbakkam Police Station,  
Chennai – 600 106.

3. The Public Prosecutor,  
High Court, Madras.



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**M.S.RAMESH, J.**  
**and**  
**SUNDER MOHAN, J.**

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