



WEB COPY



H.C.P.(MD) No.266 Of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) No.266 of 2024

S.Thilagavathi

... Petitioner/wife of detenu

-VS-

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Aundipatti Police Station,
Theni District.

... Respondents/Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents to produce the Petitioner's husband namely Suresh Kannan, son of Sundarajan, aged about 40 years old or his body before this Court and set him at liberty based on FIR in Crime No.132/2010, dated 16.03.2019 and subsequently based on the Petitioner's representation, dated 13.02.2024.



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For Petitioner : Mr.S.Sivaprakash
For Respondents : Mr.RMS.Sethuraman,
Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This habeas corpus petition has been filed by the wife of the detenu, seeking for a direction to the respondents to produce the Petitioner's husband namely Suresh Kannan, son of Sundarajan, aged about 40 years old or his body before this Court and set him at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Based on FIR in Crime No.132/2010, dated 16.03.2019 and subsequently based on the Petitioner's representation, dated 13.02.2024,this Petition is filed by the wife of Suresh Kannan, son of Sundarajan, who was working as Assistant Executive Officer in Public Works Department, Periyakulam and found missing since October 2016. However, this matter was reported to the Police only on 23.1.2019 about 2 and ½ years later and waiting for a further period of more than four years, the present Habeas



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Corpus Petition is filed.

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4.The learned Additional Public Prosecutor appearing for the respondents submitted that it is a belated complaint of man missing and during the course of investigation, it was found that the man who was a chronic drunkard gone missing, but it was never reported to the Police immediately. He being a Government servant, employed in Public Works Department, by his long absence, departmental action was taken and finally removed from service. So far no clue about his whereabouts could be obtained. The petitioner herein was not living with the said man at the time of his missing, but the complaint itself was belatedly given which intention to creation of evidence. The learned Additional Public Prosecutor would further submit that if any information is received, the Police will pass on the message to the petitioner and act accordingly. So far, Final Report not yet been filed and it is alive and the investigation will be carried out till any conclusion is obtained.

5.Recording the above-said submission, the Habeas Corpus Petition is dismissed.

[G.J.,J.] [C.K.,J.]

26.02.2024

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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Aundipatti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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vsn

ORDER MADE IN

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26.02.2024