

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR  
AND  
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 2181 OF 2015

S.Kumar

.. Petitioner

- Vs -

1. The Superintendent of Police  
Thiruvallur District  
Thiruvallur.
2. The Inspector of Police  
Kavarapettai Police Station  
Thiruvallur District.

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the petitioner's son, Goutham, aged 23 years, before this Court and set him at liberty.

For Petitioner : Mr. P.Chandrasekar

For Respondents : Mr. A.N.Thambidurai, APP

ORDER

(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner for a direction to respondents to produce the petitioner's son, Goutham, aged 23 years, before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents.

3. It is the case of the petitioner that his son, the detenu, has gone missing in connection with which a case in

Crime No.129/2015 has been registered by the respondent on 2.5.2015 for 'Man Missing'. In spite of registering the complaint, no effective steps having been taken by the respondent police, the present petition has been filed.

4. The respondent police have filed status report before this Court narrating the steps that have been taken by them to secure the detenu. The relevant portion of the report is extracted hereinbelow for better clarity :-

"7. I submit that the then Inspector of Police obtained call details report for the detenu's mobile number 8760474633. Based on the report and witnesses statements, the then Inspector of Police suspected that Tmt.Kalaivani, W/o Sampath was contacted several times with the detenu, who is residing in Athipattu Village, Minjur Taluk and her parents residing at Panjatti where the detenu is residing.

8. I submit that on 20.07.2015, the then Inspector of Police along with team made oral enquiry with Tmt.Eswari who is mother of Kalaivani. She informed that her daughter got married 5 years ago by arranged marriage by both families with one Sampath and she had no issues, presently living at Minjur.

Further, the then Inspector of Police made oral enquiry with the detenu's parents and came to know that they suspected that the detenu would have gone along with the said Kalaivani, since the said Kalaivani also missing on the same day, i.e. 22.04.2015.

On the same day, the then Inspector of Police went to Minjur and made oral enquiry with Kalaivani's husband Tr.Sampath and he informed that his wife Kalaivani went to her parents house and he did not know presently whereabouts of her."

5. From the above status report filed by the respondent police it is evident that the detenu has left the house voluntarily. Further, there is also no averment in the petition that the detenu is under the illegal custody of any person. In such circumstances, this Court is of the considered view that since the detenu has voluntarily left his house, the question of illegal detention warranting issuance of a writ of habeas corpus, does not arise.

6. Accordingly, this habeas corpus petition is closed with a direction to the respondent police to proceed with the

investigation and keep the petitioner informed of any development/break through in the case.

GLN

Sd/-  
Asst.Registrar

/true copy/

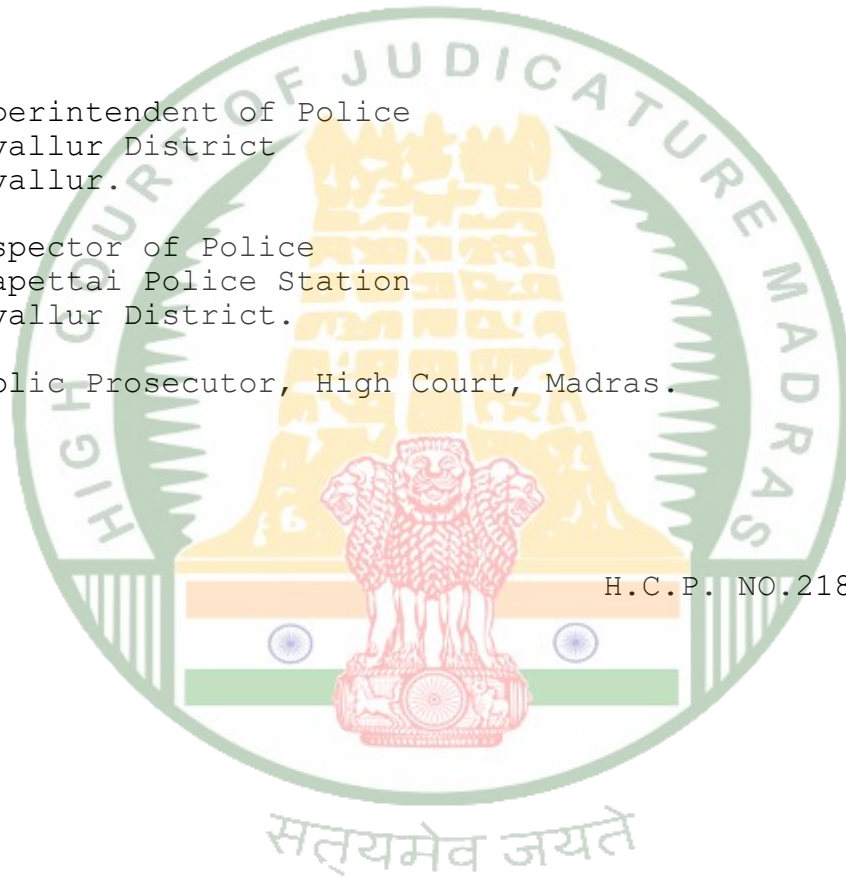
Sub Asst. Registrar

To

1. The Superintendent of Police  
Thiruvallur District  
Thiruvallur.
2. The Inspector of Police  
Kavarapettai Police Station  
Thiruvallur District.
3. The Public Prosecutor, High Court, Madras.

SKV/CO  
KR/18/12

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