

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND

THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.3064 of 2014

K.Mohammed Rafik

...Petitioner

Vs

- 1.The Director General of Police,
The Office of the Director General of Police,
Radhakrishnan Road,
Mylapore,
Chennai - 600 004
- 2.The Commissioner of Police,
The Office of the Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 7.
- 3.The Inspector of Police,
N3, Muthialpet Police Station,
Muthialpet,
Chennai - 600 001.
- 4.Perumal
Intelligent service,
B1, 2nd Line Beach Police Station,
Chennai - 1.

...Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India to direct the respondents 1 and 3 to rescue the petitioner's brother, Sithick, S/o Kadherbava, aged 31 years, from the illegal custody of the 4th respondent and produce him before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Rajanikanth
For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor .

O R D E R

This Habeas Corpus Petition has been filed by the brother of the detenu to direct the respondents 1 and 3, to rescue the petitioner's brother, Sithick S/o Kadherbava, aged 31 years, from the illegal custody of the 4th respondent and produce him before this Court and set him at liberty forthwith.

2. Mr.A.N.Thambidurai, learned Additional Public Prosecutor has produced the status report filed by the 3rd respondent, in which, in paragraph Nos. 6 and 7, it is stated as follows:

"6. I submit that during the course of the investigation, with regard to complaint against the 4th respondent, a departmental enquiry was completed by the Asst.Commissioner of Police, Egmore Range and requested to take disciplinary action against the 4th respondent dated 30.01.2015.

7. I submit that while so, on 08.01.2015, the said Sithick appeared before me along with the complainant and has given an undertaking letter stating that due to heavy burden of debt and the illegal relationship of his wife only, the Sithick himself left the house without informing to anyone and visited to Madurai and later went to Srilanka for business. Also, stated that the 4th respondent never detained him and requested not to take any action against his brother's complaint and assured to appear before the competent court on 13.01.2015 then, the said Sithick went along with the complainant.

Thereafter, on 13.01.2015, the Sithick appeared before this Hon'ble Court and this Hon'ble Court adjourned the matter on 19.01.2015 but the said Sithick failed to appear before this Hon'ble Court on 19.01.2015 and once again adjourned the matter on 02.02.2015."

3. In view of the action taken by the police and also since the detenu was produced before this Court on 19.01.2015, we find that no further order is necessary.

4. With the above said observations, the Habeas Corpus Petition is closed.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

vsi

To

- 1.The Director General of Police,
The Office of the Director General of Police,
Radhakrishnan Road,
Mylapore,
Chennai - 600 004
- 2.The Commissioner of Police,
The Office of the Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 7.
- 3.The Inspector of Police,
N3, Muthialpet Police Station,
Muthialpet,
Chennai - 600 001.
- 4.The Public Prosecutor,
High Court, Chennai.

1 CC to Mr.S.Rajanikanth, Advocate SR.No. 5142

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H.C.P.No.3064 of 2014

SKV (CO)
PSI (23.02.2015)