

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-03-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

HABEAS CORPUS PETITION No.2873 of 2015

Shameem

.. Petitioner

vs

- 1.The Commissioner of Police
Salem, Salem District
- 2.The Inspector of Police
Suramangalam Police Station
Salem 636 005
- 3.Shaheen
- 4.Munna
- 5.Naseer
- 6.The Inspector of Police
Namakkal Town Police Station
Namakkal
(R6 impleaded suo motu as per
order dated 25.1.16)

.. Respondents

Habeas corpus petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the detenu namely Ahrif, son of Syed Khader, aged about 20 years, before this Court from the illegal custody of the third respondent and other respondent and set him at liberty by considering the complaint dated 6.10.2015.

For Petitioner	:	Mr.R.Prabakar
For Respondents	:	Mr.V.M.R.Rajentren Additional Public Prosecutor for RR1, 2 and 6

ORDER

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

The petitioner is the mother of the detenu viz. Ahrif, aged about 20 years, who is studying B.E. (III year). According to her, her husband picked up his son on 15.5.2015, and dropped him in the Railway Station bus stop, at about 8.00 A.M.; but, he did not return from the college and on enquiry, she came to know that one Shaheen and her paramour Tiruppathur Munna, Nazir, Anandur, Bombay Kadhar and his wife Kairoon, Jibin Taj and Jinab had kidnapped her son and are keeping him under their illegal custody.

2.The petitioner would further state that she in this regard, has also lodged a complaint before the Namakkal Police Station, based on which, a case in Crime No.516 of 2015, was registered as "Boy Missing", and since no progress has taken place in the said case, and further, that her son is being under the illegal custody of the said persons, she came forward to file this petition.

3.The Court heard the submissions of the learned Counsel appearing for the petitioner, and the learned Additional Public Prosecutor appearing for the respondents 1, 2 and 6, who has drawn the attention of this Court to the status report dated 1.3.2016, filed by the Inspector of Police, Namakkal Police Station, viz. the sixth respondent, wherein, it has been averred among other things, that the investigation revealed that the detenu by virtue of illegal affair with Subin Thaj, eloped with her and all best efforts are being taken to trace both of them. It is further stated that the mother of Subin Thaj has also filed H.C.P.No.2068 of 2015 before this Court, for the production of her daughter, and the same was closed on 6.1.2016, with an observation that the progress of the investigation in Crime No.305 of 2015, on the file of the Pochampalli Police Station, shall be informed to the mother of Subin Thaj.

4.Admittedly, the detenu is aged about 20 years and it is the specific stand of the sixth respondent viz. the Inspector of Police, Namakkal Police Station, that the detenu eloped with a married woman viz. Subin Thaj, and H.C.P.No.2068/2015 filed by her mother, has also been closed with an observation that the progress of the investigation shall be informed to the petitioner.

5.In the light of the above facts and circumstances, the habeas corpus petition is closed and the six respondent viz. the Inspector of Police, Namakkal Police Station, shall inform

the progress of the investigation to the petitioner herein also at regular intervals and as and when the detenu is traced, he shall be produced before the jurisdictional Magistrate for appropriate orders.

-s/d-
Assistant Registrar (CSVI)

True Copy

Sub-Assistant Registrar

To:

- 1.The Commissioner of Police
Salem, Salem District
 - 2.The Inspector of Police
Suramangalam Police Station
Salem 636 005
 - 3.The Inspector of Police
Namakkal Town Police Station
Namakkal
 - 4.The Public Prosecutor
High Court, Madras.
- +1 cc to M/s.R.Prabhakar Advocate sr.14012

H.C.P.No.2873 of 2015

sal(co)
aa15/03/2016

WEB COPY