

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

Coram:

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

H.C.P.No.2964 of 2015

N.Amutha ... Petitioner /Mother of
the detenu
vs.

The Inspector of Police
R7, K.K.Nagar Police Station
Chennai-600 078. ... Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondent to produce the corpus of the detenu N.Venkatesan @ Rasu before this Court and to handover the custody of the detenu to the petitioner.

For petitioner :Mr.S.Doraisamy

For respondents :Mr.V.M.R.Rajentran,
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detenu N.Venkatesan @ Rasu. She lodged a complaint before the respondent police on 08.10.2015 alleging that her son N.Venkatesan, aged 18 years, was found missing on 03.10.2015 at 10.30 a.m. onwards. Since, no effective steps were taken to trace the detenu, the petitioner has come forward to file the present Habeas Corpus Petition seeking the production of the detenu before this Court and to handover his custody to the petitioner.

2. Mr.S.Doraisamy, the learned counsel appearing for the petitioner, would submit that though, the respondent police has registered a case on the basis of the complaint lodged by the petitioner for "man missing" on 08.10.2015, no proper and effective steps were taken to trace the detenu and hence, left with no other option, the petitioner has come forward to file

the Habeas Corpus Petition and prays for appropriate orders.

3. Per contra, Mr.V.M.R.Rajentran, the learned Additional Government Pleader, appearing for the respondent police has drawn the attention of this Court to the status report filed by the respondent police on 11.01.2016. A perusal of the status report shows that the investigation done so far revealed that the missing person had all kinds of bad habits, such as, stealing cellphones, committing pickpockets from bus passengers etc. His acts were admonished by his mother and therefore, he left the home. In the status report, it is further stated that all necessary steps are taken to trace the detenu.

4. This Court has considered the rival submissions.

5. Even, as per the averments made in the petition, there is no allegation of illegal custody of the detenu by somebody. The respondent police also on the basis of the complaint given by the petitioner, has registered a case in Crime No. 2663 of 2015 for "Man Missing". As per the status report, dated 11.01.2016, the investigation is going on. In the light of the facts and circumstances, this Habeas Corpus Petition is dismissed. However, the respondent police shall take all necessary steps to continue with the investigation and trace the detenu and as and when, he is traced, he shall be produced before the jurisdictional Magistrate Court for passing appropriate orders.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

paa

To

- 1.The Inspector of Police
R7, K.K.Nagar Police Station
Chennai-600 078.
- 2.The Additional Public Prosecutor
High Court, Madras.

+1 cc to M/s.S.Doraisamy Advocate sr.11574

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