

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P.No.851 of 2015

Jalaludheen

Petitioner

vs.

1.The Superintendent of Police
Tiruppur
Tiruppur District.

2.The Inspector of Police
Tiruppur North Police Station
Tiruppur

3.Sanjeevi

4.R.Akbar Ali

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detenu J.Parithrizwan, S/o Jalaludheen from the illegal custody of respondents 3 and 4 before this Court and restore the legal custody of the detenu.

For Petitioner Mr.A.Vivin

For R1 and R2 Mr.A.N.Thambi Durai
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the detenu J.Parithrizwan, S/o Jalaludheen from the illegal custody of respondents 3 and 4 before this Court and restore the legal custody of the detenu.

2. It is the case of the petitioner that his son, namely Parithrizwan, aged about 25 years went missing on 24.02.2015, in

connection with which a case in Tiruppur North Police Station Cr.No.272 of 2015 has been registered for "man missing".

3. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that, the detenu is living with his wife and is not in any illegal detention. If that is so, the respondent police is directed to produce the detenu before the learned Judicial Magistrate in whose Court the FIR in Cr.No.272 of 2015 is pending, after intimating the petitioner. Learned Additional Public Prosecutor also produced a letter dated 24.07.2015 said to have been written by the detenu to the police narrating that he has been sent out of the house of his parents and that he is living with his wife elsewhere.

4. Under such circumstances, we are of the opinion that this is not a case of illegal detention warranting issuance of writ of Habeas Corpus. Accordingly, this petition is closed. However, we direct the respondent police to proceed with the investigation and produce the detenu before the concerned Magistrate where the FIR is pending in Cr.No.272 of 2015, so that the petitioner can be satisfied that his son is alive.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gms

To

1.The Superintendent of Police
Tiruppur
Tiruppur District.

2.The Inspector of Police
Tiruppur North Police Station
Tiruppur.

3.The Public Prosecutor
High Court of Madras, Chennai.

1 cc to MR.A. Vivin, Advocate, sr. 2835

H.C.P.No.851 of 2015

GJ (CO)
kk 3/2