

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-09-2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1360 of 2016

R. Sundharraj ... Petitioner

vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Coimbatore
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Periyannayakanpalayam, Coimbatore
3. The Inspector of Police
Kovilpalayam Police Station
Coimbatore District
4. M. Rangasamy ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to produce the detenu namely S. Rathinam, aged 48 years W/o. Sundharraj who is illegally detained by the fourth respondent before this Court and set her at liberty.

For Petitioner : Mr. Ma.P. Thangavel

For Respondents: Mr.V.M.R.Rajentren, APP for RR1 to 3
No appearance for R4

ORDER

(Order of the Court was made by A.SELVAM, J.)

This habeas corpus petition has been filed under Article 226 of the Constitution of India praying to direct the respondents

2 to 3 to trace out and produce the detainee by name Rathinam, aged 48 years, wife of the petitioner.

2. The learned Additional Public Prosecutor has represented that on the basis of the complaint given by the petitioner, a case has been registered in Crime No.46 of 2016 as women missing by the third respondent who is the Inspector of Police, Kovilpalayam Police Station and during investigation, the fourth respondent by name Rangasamy (Rangaraj) has voluntarily given a confessional statement to the Village Administrative Officer, wherein he attempts to the effect that he murdered the detainee and subsequently shown a dead body. On information, the petitioner and his son have gone to the place of occurrence and identified the dead body and other material objects.

3. The learned counsel appearing for the petitioner has also fairly conceded to the effect that both the petitioner and his son have identified the dead body and also some material objects.

4. Considering the representations made on either side, this Court is of the view that since the detainee has been murdered, the relief sought in the petition has become infructuous and therefore, the present petition deserves to be dismissed.

5. In fine, the habeas corpus petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

glp

To

1. The Superintendent of Police
Office of the Superintendent of Police
Coimbatore
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Periyankulam, Coimbatore

3. The Inspector of Police
Kovilpalayam Police Station
Coimbatore District

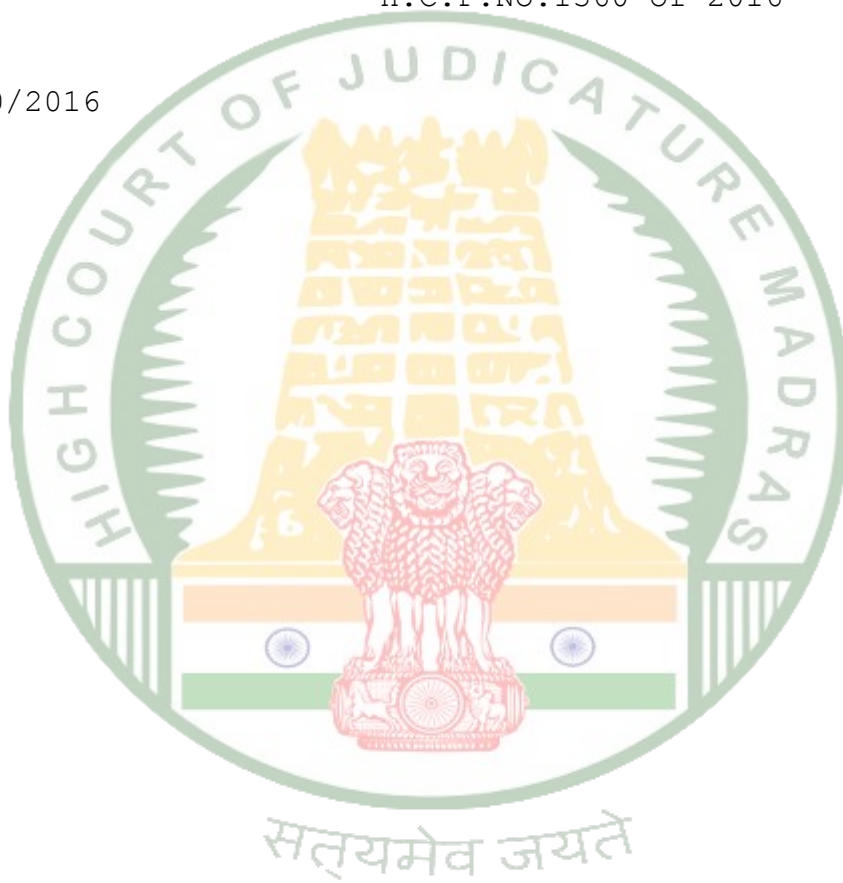
4 The Public Prosecutor, High Court, Madras

+1 CC to M/s. S. Gunalan, Advocate Sr.No.55585

+1 CC to M/s. Ma.P. Thangavel, Advocate Sr.No.55541

H.C.P.No.1360 of 2016

UG (CO)
MD : 22/10/2016



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