

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2112 of 2016

A. Amutha

...Petitioner

vs.

1.The Superintendent of Police
Aryalur District
Aryalur.

2.The Inspector of Police
Kuvagam Police Station
Kuvagam
Senthurai Taluk
Aryalur District.

3.Seenuvasan
4.Viswanathan
5.Ezhilmaran
6.Kennady

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the body of the petitioner's father-in-law Viswanathan, son of Ramasamy, aged about 65 years, before this Court and set him at liberty.

For Petitioner : M/s.P. Mani

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

[Order of the Court was made by S. BASKARAN, J]

This petition has been filed by the daughter-in-law of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's father-in-law Viswanathan, aged about 65 years, before this Court and to set him at liberty.

2. At this stage of the hearing of the petition, the learned Additional Public Prosecutor has filed a status report stating that the detenu Viswanathan had been murdered and the case is under investigation.

3. Paragraph Nos.15, 16 and 18 of the Status Report reads as under:-

"15. It is submitted that meanwhile on 15.9.2016 one Tr.Vazhavandhan, VAO of Thular, Senthurai Taluk, Ariyalur District came to the respondent station and given a special report stating that on 22.10.2016 at 11.00 hours, while in job, one Tr.Balamurugan (accused) belongs to Nainarkudigadu, Senthurai Taluk came to VAO Office and voluntarily surrendered before VAO and confessed that on 15.9.2016, Balamurugan and his friends kidnapped the detenu and custody him at one Rayar House at Neyveli for 3 days and after that murder him and buried him at via Kottaigadu to Soundarasozhapuram at Vellaru river.

16. It is submitted that further investigation was taken up by the Deputy Superintendent of Police, Ariyalur as per the direction of the Superintendent of Police, Ariyalur District. Then the DSP examined Balamurugan and recorded his confession statement. In his confession statement, he has stated that there is Cinema Theatre buying dispute between Mani and Muthu and in between that one Tamilarasan intervened between and asked for his money which is supposed to be given by Mani to Tamilarasan, so Tamilarasan asked for his money to Mani before he has been trying to buy the Cinema Theatre and Tamilarasan also filed the petition before the concerned court. Hence, Balamurugan, Mahendran, Arul, Azhagar, Lingam, Baskar colluded together kidnapped the detenu since he is a close friend to Tamilarasan and demanded for money. No response from Tamilarasan side and the petitioner's side, Balamurugan murder the detenu along with other accused persons on 18.9.2016 and buried in the above said place.

18. It is submitted that on 23.10.2016 exhumation was done in the presence of Tr.Ravichandran, Thasildar Thittakudi Taluk and

spot post-mortem was performed by the team of Doctors and the body was identified by the Villagers and relatives. After completion of post-mortem the body of the detenu was sent to the Government Hospital, Ariyalur and later handed over the deceased/detenu body to his son Tr.Harishwaran, Sozhankudikadu on 24.10.2016. The case is still under investigation."

4. From the above status report, it is clear that the detenu had been murdered and the body had been identified by the villagers and relatives as the father-in-law of the petitioner and after the completion of the post-mortem examination, the body of the detenu was handed over to his son Mr.Harishwaran and the case is under investigation.

In view of the above, we are of the view that nothing survives in this petition. Hence, the Habeas Corpus stands dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rnb
To

1.The Superintendent of Police
Ariyalur District
Ariyalur.

2.The Inspector of Police
Kuvagam Police Station
Kuvagam
Senthurai Taluk
Ariyalur District.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.P.Mani, Advocate Sr.61490
+1cc to Mr.S.Vijayakumar, Advocate Sr.61141

H.C.P.No.2112 of 2016

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srg 22/12/2016