



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.(MD)Nos.1431 and 1563 of 2017

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H.C.P.(MD).No.1431 of 2017

Palanichamy : Petitioner

Vs.

1.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

2.Kalirajan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the first respondent to produce the body or person of the petitioner's son, the detenu viz., David Johnson, S/o.Palanichamy, aged 19 years before this Court, illegally detained by the 2nd respondent and set him at liberty forthwith.

For Petitioner	: Mr.D.Rameshkumar
For R1	: Mr.C.Ramesh
	Additional Public Prosecutor
For R2	: No appearance

H.C.P.(MD).No.1563 of 2017

Sumithkumar : Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

3.David Johnson : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 herein to produce the body of the detenu Shruthi, D/o. Kalirajan, aged about 19 years before this Court and set her at liberty.



For Petitioner : Mr.P.T.Rameshraj
For R1 & R2 : Mr.C.Ramesh
Additional Public Prosecutor
For R3 : No appearance

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COMMON ORDER

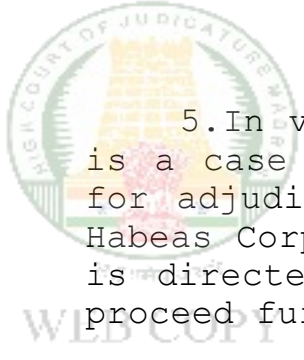
[Common Order of the Court was made by R.SUBBIAH, J]

The Habeas Corpus Petition in H.C.P.(MD).No.1431 of 2017, has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the first respondent to produce the body or person of the petitioner's son, the detenu viz., David Johnson, S/o.Palanichamy, aged 19 years before this Court, who had been illegally detained by the 2nd respondent and set him at liberty forthwith.

2.In the affidavit, it has been averred that the detenu namely, David Johnson, S/o.Palanichamy, aged 19 years, was found missing from 16.09.2017 and the detenu is studying III year Mechanical Engineering in R.V.College of Engineering at Thayilpatti, Virudhunagar District. It is further averred that the petitioner's son and the daughter of the second respondent fell in love and both of them eloped. Immediately, the petitioner searched for his son at various places, but he could not trace him. Hence, the petitioner made a complaint before the first respondent. On receipt of the said complaint, the first respondent registered a case in Crime No.622 of 2017 for 'Man Missing'. Since no effective steps have been taken by the first respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.The brother of the detenu viz., Lakshmi Shruthi, D/o. Kalirajan, aged about 19 years, has filed the Habeas Corpus Petition in H.C.P.(MD).No.1563 of 2017 stating that the detenu was found missing from the month of September 2017 and hence, the petitioner has preferred a complaint before the second respondent. Since no effective steps have been taken by the second respondent, the petitioner has come up with the present petition. The third respondent herein is the detenu in H.C.P.(MD).No.1431 of 2017.

4.Today when the Habeas Corpus petitions were taken up for consideration, the learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner in H.C.P.(MD). No.1431 of 2017, a case was registered in Crime No.622 of 2017 by the Thirumangalam Police Station for 'Man Missing'. Similarly, based on the complaint given by the petitioner in H.C.P.(MD). No.1563 of 2017, the second respondent police registered a case in C.S.R.No.403 of 2017.



5. In view of the fact that since the detenus are major and it is a case of elopement, in our considered view, nothing survives for adjudication in these Habeas Corpus Petitions. Hence, these Habeas Corpus Petitions are closed. However, the respondent police is directed to investigate the case in C.S.R.No.403 of 2017 and proceed further in accordance with law.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
2. The Superintendent of Police,
Virudhunagar District.
3. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.P.T.Rameshraj, Advocate SR.No. 91791
+1cc to M/S.D.Rameshkumar, Advocate SR.No. 91738

Order made in
H.C.P. (MD) Nos.1431 and 1563 of 2017
Dated:
08.12.2017

NS
JM/SV MMS/SAR 1/09.01.2018/3P/7C