



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1554 of 2017

A.Palpandi

: Petitioner

Vs.

1.The Superintendent of Police,
Madurai Rural District.

2.The Inspector of Police,
Sholavandan Police Station,
Sholavandan,
Madurai Rural District.
(In Crime No,438/2017)

3.N.Jegan, S/o.Nagarajan

4.N.Santhi, W/o.Nagarajan

: Respondents

(Both are Residing at Kaliamman Kovil Street,
Karuppatti Village, Vadipatti Taluk,
Madurai District.)

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue a in the nature of a Writ of Habeas Corpus or any other appropriate writ of direction, to directing the 1st and 2nd respondents herein to secure and produce the detenue namely Kannan, S/o.Chinnakaruppu, aged 42 years before this Court and set him at liberty.

For Petitioner

: Mr.T.K.Gopalan

For R1 and R2

: Mr.C.Ramesh

Additional Public Prosecutor

For R3 & R4

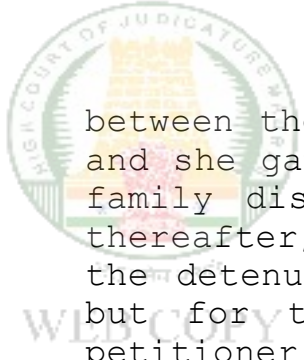
: No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the father-in-law of the detenu, seeking a Writ of Habeas Corpus, directing the 1st and 2nd respondents to secure and produce the detenu namely, Kannan, S/o.Chinnakaruppu, aged 42 years before this Court and set him at liberty.

<https://hcservices.ecourt.gov.in/services> In the affidavit, it has been averred that the petitioner is an agriculturist and he belongs to Scheduled Caste Community and he had one daughter and two sons and the marriage was solemnized



between the petitioner's daughter and the detenu in the year 2003 and she gave birth to two sons. It is further averred that due to family dispute, the petitioner's daughter committed suicide and thereafter, the petitioner is taking care of his grand sons and the detenu very often used to visit the petitioner's grand sons, but for the past 1 ½ years the detenu did not come to the petitioner's house to visit the grand sons. When the petitioner enquired the whereabouts of the detenu, he came to know that the detenu stayed often along with the third and the fourth respondents. When the petitioner enquired the third and fourth respondents, they did not give any proper reply. While so, a maintenance case in M.C.No.6/2017 has been filed before the learned Judicial Magistrate, Vadipatti and the same is pending. In spite of issuance of summons in the said case, till date the detenu did not appear. Thereafter the petitioner made an enquiry and it was found that the third and fourth respondents manipulated the records and got execution of sale deeds from the detenu and the detenu is in the illegal custody of the third and fourth respondents. Hence, the petitioner made a complaint before the second respondent. Since no effective steps have been taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent has filed a status report stating that the detenu left the house two years back and thereafter, there was no effort to trace the detenu either on the side of the parental relatives or marital relatives. Ultimately, after the period of two years, a complaint was lodged on 20.09.2017 by the father-in-law of the detenu. Pursuant to the said complaint, the second respondent police registered a case in Crime No.438 of 2017. It is further stated that many witnesses were examined about the whereabouts of the detenu and a special team was formed to trace the detenu.

4.It is seen that though the detenu was missing from 2015, the petitioner has lodged a complaint after a period of 1 ½ years and the respondents are also taking sincere efforts to trace the detenu.

5. In view of the above, it is not necessary to keep this petition pending. Hence, the Habeas Corpus Petition is closed. However, this Court directs the respondent police to proceed with the case in Crime No.438 of 2017 in accordance with law.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Superintendent of Police,
Madurai Rural District.

2. The Inspector of Police,
Sholavandan Police Station,
Sholavandan,
Madurai Rural District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. (MD) No.1554 of 2017
Dated:
30.11.2017

Ns

JM/KKR/SAR 1/22.01.2018/3P/4C