



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P. (MD) No.1746 of 2017

K.Lakshmi : Petitioner

Vs.

1. The Superintendent of Police,
Trichy District, Trichy.
2. The Superintendent of Police,
Sivagangai District
Sivagangai.
3. The Inspector of Police
Singampunari Police Station
Sivagangai District
4. The Inspector of police
Kollidam Police Station,
Trichy District

: 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 to produce the detenu Prabhakaran, S/o.Kumar, aged about 22 years, from the illegal custody of the third respondent and produce him before this Court and set him at liberty.

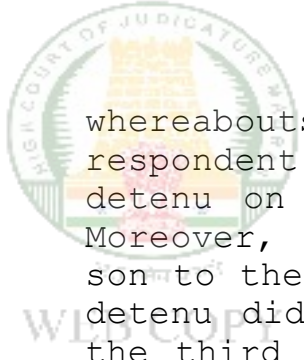
For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, viz., Prabhakaran, aged 22 years. It is alleged in the affidavit that the third respondent police came to the house of the petitioner asking the



whereabouts of her son. When the petitioner enquired the third respondent police, he had stated that the police is searching the detenu on a suspicion, that he is involved in a criminal case. Moreover, the third respondent asked the petitioner to send her son to the police station as soon as he comes home. However, the detenu did not return home and the petitioner came to know that the third respondent took her son and kept him in their custody. Hence, she lodged a complaint. Since, no reply was forthcoming, the petitioner approached the 4th respondent and requested them to secure the detenu from the illegal custody of the third respondent. Since no effective steps were taken, the petitioner sent representations to the respondents 1 and 2 and since, the whereabouts of her son is not known, the petitioner is before this Court with this petition.

2. When the matter was taken up for hearing, the 4th respondent has filed a counter affidavit stating that the detenu, namely, Prabakaran is not a law abiding citizen and he is involved in various criminal cases on the file of the Kollidam Police Station, Singampunari Police Station, Pulivalam Police Station and on completing investigation in Crime Nos.75/2015 and 76/2015 on the file of the Pulivalam Police Station, Trichy District charge sheets have been filed before the concerned Court and since the detenu is absconding, non bailable warrant has been issued to the detenu and the concerned Court directed the petitioner herein to produce the detenu/accused before the concerned Court and if the accused is not produced, it is directed surety action will be taken against the petitioner herein. However, she has come forward with this petition with false allegations for the purpose of defending her son from the surety action to be taken against her by the learned Magistrate. It is further stated that the police is taking all steps to secure the detenu and a case has also been registered for 'man missing'. Thus, the respondent sought for dismissal of the petition.

3. A reading of the counter affidavit would go to show that it is not a fit case to give direction to the respondent police. Further more, we find that as against the detenu, already non bailable warrant is pending and hence, it is a clear case that in order to avoid the surety action, this petition has been filed. Therefore, this petition is liable to be dismissed. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/



1. The Superintendent of Police,
Trichy District, Trichy.
2. The Superintendent of Police,
Sivagangai District
Sivagangai.
3. The Inspector of Police
Singampunari Police Station
Sivagangai District
4. The Inspector of police
Kollidam Police Station,
Trichy District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 91331
RR
TE/MR/SAR-3 : 02/01/2018 : 3P/7C

Order made in
H.C.P. (MD) No.1746 of 2017
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