



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.[MD].No.927 of 2017

S.Samuthiram

: Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar, Virudhunagar District.
2. The Superintendent of Police,
Namakkal, Namakkal District.
3. The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
4. The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Namakkal District.
5. Mr.Palanisamy,
Principal, Excel College of Engineering and Technology,
NH-47, Salem Main Road,
Komarapalayam, Namakkal District 637 303. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 4 herein to secure the son of the petitioner, namely, Karthikeyan, aged about 27 years, S/o.S.Bamuthiram and produce the body of the detenu before this Court and set him at liberty.

For Petitioner

: Mr.R.J.Karthick

For Respondents 1to 4

: Mr.T.Mohan

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel for the petitioner and the learned

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Public Prosecutor appearing for the respondents 1 to 4.



2. The petitioner is the father of the detenu, who is aged about 27 years, a highly qualified person. The case of the petitioner is that his son has been missing since April 2016. In the affidavit filed in support of the Habeas Corpus Petition, in Paragraph No.3, the petitioner has stated that up to April 2016, the detenu was speaking with him and his wife and thereafter, he was not in touch. We find that the lapse of time between the alleged date of missing, the date of complaint given to the third respondent police and the filing of this Habeas Corpus Petition shows that the petitioner was not diligent in prosecuting the matter. It is stated that the detenu was working in the fifth respondent college and therefore, the fourth respondent police would be the proper person to investigate into the same.

3. Thus, considering the above facts and circumstances of the case, we direct the petitioner to appear before the fourth respondent, police, lodge a complaint and give all the relevant particulars, that may be required by the fourth respondent police. On receipt of such complaint, the fourth respondent police is directed to register a case, investigate the matter and produce the detenu before the jurisdictional Magistrate, within a period of six weeks from the date on which the complaint is made by the petitioner.

4. The Habeas Corpus Petition is disposed of on the above terms.

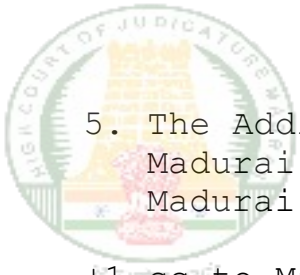
Sd/-
Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar, Virudhunagar District.
2. The Superintendent of Police,
Namakkal, Namakkal District.
3. The Inspector of Police,
Keelarakulam Police Station,
Virudhunagar District.
4. The Inspector of Police,
Kumarapalayam Police Station,
Kumarapalayam, Namakkal District.



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

+1 cc to Mr.R.J.Karthick , Advocate in SR.No. 61991

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NB

AE/MR KKR/SAR3/06.07.2017/3P/7C

ORDER MADE IN
H.C.P. [MD] .No.927 of 2017
27.06.2017