



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.[MD].No.1661 of 2016

M.Ayisha Beevi : Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Subramaniyapuram,
Trichy District.

2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Manaparai,
Trichy District.

3.The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti,
Manaparai Taluk,
Trichy District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to secure and produce the body of the detenu, the petitioner's son, namely M.Kamardeen, S/o.Late.Mohamed Sulthan, aged about 35 years, before this Court and set him at liberty.

For Petitioner : Mr.K.Neethimohan

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detenu - M.Kamardeen, S/o.Late.Mohamed Sulthan, aged about 35 years. She has filed the present Habeas Corpus Petition stating that her son is working as a driver and on 09.09.2016, he was engaged as driver in the lorry owned by K. Senthil Kumar, a resident of Dindigul, to deliver the cotton material to Orissa. The petitioner received phone call from him on 11.09.2016 and 12.09.2016 and thereafter, she did not receive any



communication from him and his whereabouts was also not known to her. Thus, she made a representation to the respondents. Since no effective steps were taken to trace out the detenu, she filed the present Habeas Corpus Petition.

2. Today, when the matter was taken up for consideration, the third respondent produced the detenu before this Court. When we enquired the detenu, he told us that there was a dispute between him and his brother, viz., Bakrudeen and he was attacked by him at Andhra Pradesh and that is the reason why, he did not return back to home. Subsequently, on his own accord, he returned back to his house. On our further enquiry, the detenu told that he is not in illegal custody of anyone.

3. Therefore, recording the submission made by the detenu, the Habeas Corpus Petition is closed.

4. At this juncture, the learned counsel for the petitioner submits that a direction may be issued to the respondent police to take action against the brother of the petitioner. However, that is not the scope of the Habeas Corpus Petition. The petitioner is at liberty to lodge a complaint to the concerned jurisdictional police and on filing such complaint, the police shall proceed with the same in accordance with law.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Superintendent of Police, O/o.Superintendent of Police, Subramaniyapuram, Trichy District.
- 2.The Deputy Superintendent of Police, O/o.Deputy Superintendent of Police, Manaparai,Trichy District.
- 3.The Inspector of Police, Vaiyampatti Police Station,Vaiyampatti, Manaparai Taluk, Trichy District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Order made in
H.C.P.[MD].No.1661 of 2016
Dated: 03.01.2017

SML