



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P. (MD) No.1695 of 2016

S.Jamal Mohammed

... Petitioner

-vs-

1.The Superintendent of Police
Kanyakumari
Kanyakumari District

2.The Inspector of Police
Kottar Police Station
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the body of the petitioner's son Umar Farook, son of Jamal Mohammed, aged about 37 years, the detenu herein before this Court and set him at liberty.

For Petitioner : Mr.J.Sulthan Basha

For Respondents : Mr.T.Mohan
Addl. Public Prosecutor

O R D E R

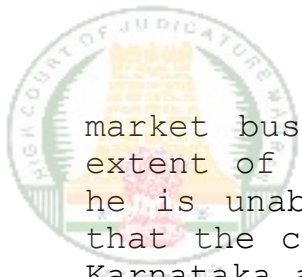
[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.J.Sulthan Basha, learned counsel appearing for the petitioner and Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner has filed this habeas corpus petition to direct the respondent Police to trace his son, namely, Umar Farook, aged about 37 years, who is missing from 01.11.2016, produce him before this Court and set him at liberty.

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

3. The learned Additional Public Prosecutor submitted that the petitioner's son / detenu, namely Umar Farook was engaged in share



market business in Dindivanam Area and he has taken money to the extent of Rs.2,00,00,000/- from 17 persons and he is in hiding as he is unable to pay back the creditors. It is further submitted that the call details of the detenu reveal that he was sometime in Karnataka and thereafter in New Delhi. Thus, it is clear that it is not a case of illegal detention, but it appears to be a case, where the detenu has run away from the creditors. Hence, no further direction can be given in this habeas corpus petition.

4. The learned counsel for the petitioner submitted that one of the creditors, who had invested money through the petitioner's son, came to the house of the petitioner and threatened him with dire consequences. In this regard, the petitioner lodged a complaint before the second respondent Police on 28.11.2016.

5. Considering the submissions made by the learned counsel for the petitioner, the second respondent Police is directed to register a case, based on the complaint lodged by the petitioner on 28.11.2016 and complete the investigation, in accordance with law, as expeditiously as possible.

6. The habeas corpus petition is disposed of with the above directions.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Superintendent of Police,
Kanyakumari,
Kanyakumari District.
- 2.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO M/S.AJMAL ASSOCIATES,ADVOCATE,SR NO.15370

krk

MAS/SV-MMS/SAR2:07.04.2017:2P-5C

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