



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM:

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

H.C.P.[MD].No.1698 of 2016

S.Mohamed : Petitioner

Vs.

1.The District Superintendent of Police,
Karur District, Karur.

2.The Commissioner of Police,
Salem City, Salem.

3.The Inspector of Police,
Ammapettai Police Station,
Salem City.

4.The Inspector of Police,
Vengamedu Police Station,
Karur District.

5.Sathasivam

6.P.Siva : Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 4 to produce the body or person of the detenu, namely, Jeyaprakash, S/o.Punnaivanam Chettiyar, aged about 65 years, before this Court and set him at liberty.

For Petitioner : Mr.R.Murugappan

For Respondents 1to4 : Mr.K.S.Duraipandian

Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed by the friend of the detenu, seeking a Writ of Habeas Corpus, directing
<https://hdservices.courts.gov.in/services/> 1 and 4 to produce the person or body of the
detenu, namely, Jeyaprakash, S/o.Punnaivanam Chettiyar, aged about
65 years, before this Court and set him at liberty.



2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that on 05.11.2016, the detenu had gone to Venkayamedu, Karur, for fabric business. On that day, at about 04.00 PM, the petitioner and the detenu were proceeding near Vengamedu All Women Police Station and at that time, the respondents 5 and 6 came in a car, waylaid them and abducted the detenu. The petitioner, in this regard, made a complaint before the fourth respondent police. However, the fourth respondent police refused to receive the same. Therefore, the petitioner forwarded the complaint through Registered Post. Since there were no effective steps taken by the fourth respondent police, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the detenu was produced before this Court. On enquiry, the detenu has stated that he was taken by the respondents 5 and 6 and kept under their illegal custody in respect of the amount borrowed by him. Thereafter, after few days, he was let off. We have also enquired the respondents 5 and 6. They have stated that they have not abducted the detenu.

4. However, we find that since there are serious allegations as against the respondents 5 and 6, the fourth respondent is directed to enquire into the complaint made by the petitioner, register a case and proceed with the same in accordance with law.

5. The Habeas Corpus Petition is closed with the above observation.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Superintendent of Police, Karur District, Karur.
- 2.The Commissioner of Police, Salem City, Salem.
- 3.The Inspector of Police, Ammapettai Police Station, Salem City.
- 4.The Inspector of Police,Vengamedu Police Station,Karur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1CC to M/S.A.Uthaya Kumar, Advocate, SR.No. 1395

ORDER MADE IN
H.C.P.[MD].No.1698 of 2016
05.01.2017