

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.1080 of 2017

I.Karuppusamy ... Petitioner

Vs.

The State,
Rep. by the Inspector of Police,
F2, Police Station,
Law and Order, Egmore, Chennai ... Respondent

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to direct the respondent herein to produce the petitioner's son Thiru.K.Prabakaran, S/o.Karuppusamy, aged about 25 years either in person or in body and set him at liberty.

For Petitioner : Mr.P.G.Perumal Pandian
For Respondent : Mr.R.Ravichandran,
Government Advocate

O R D E R

(Order of the Court was made by S.M. SUBRAMANIAM, J.)

The relief sought for in this Habeas Corpus Petition is to direct the respondent to produce the petitioner's son Thiru.K.Prabakaran, son of Karuppusamy, aged about 25 years either in person or body and set him at liberty.

2. The petitioner states that his youngest son discontinued his studies while studying 9th Standard in the the school during the year 2006. The youngest son was not willing to pursue his studies and left the school. Thereafter, he was employed as a labourer on daily wage basis at Bharathi Co-Operative Mills, Ettayapuram from the year 2007. The youngest son was employed in building construction work and also as a labourer. The petitioner realising the position of his youngest son, employed him as a delivery boy in Sakthi Stores Super Market situated at Anna Nagar, Chennai in March 2017. The son of the petitioner was continuing in service, till 10.05.2017. He received a call

letter to attend an interview for the post of Animal Husbandry Assistant on 11.05.2017. The petitioner requested the owner of the supermarket to grant him permission to attend the interview. The owner of the supermarket also ensured that a sum of Rs.10,000/- will be paid to his son by way of cash. Thereafter, on 10.05.2017 onwards, the son of the petitioner was found missing. The petitioner states that he had a suspicion in respect of the conduct of the shop owner. Under these circumstances, the petitioner lodged a complaint before the respondent/Police.

3. The learned Government Advocate filed a status report filed by Mr.K.Settu, Inspector of Police (L & O), F-2, Egmore Police Station, Chennai, setting out the facts and circumstances lead to the filing of the complaint before the respondent/police and the respondent/police continued the investigation. On 16.05.2017, the Inspector of Police went to the residence of the petitioner/de facto complainant and collected the details and photos of the missing man K.Prabakaran and prepared pamphlets along with the detenu's photo and the same were sent to State Crime Records Bureau (SCRB) for sending the same to all over the Tamil Nadu Police Stations through network. The respondent police have examined the following witnesses:

"(i) Tr.I.Karuppursamy - de facto complainant / petitioner
(ii) Tmt.Guruvamma - Mother of detenu / wife of de facto complainant
(iii) Tr.Manikandan - Auto Driver
(iv) Tr.Subbiah - Owner of "Sakthi Store"
(v) Tr.Krishna Thagal, (vi) Tr.Rajkumar,
(vii) Tr.Easwarn, (viii) Tr.Ponraj
(ix) Tr.Saravanan & (x) Tr.Seetharaman - co-workers of detenu, (xi) Tr.Muthu - Friend of detenu
(xii)Tmt.Neelveni - wife of Muthu"

4. The statement of the witnesses corroborated the version as made in the complaint. The respondent police requested the service providers to provide call details report of Muthu and Manikandan mobile Nos.7299222670 and 9551212213 and obtained the reports. However, there was no clue from the call details. On 18.05.2017, a Special Team was formed headed by Mr.Iyyappan / Sub Inspector of Police. The Special Team conducted a search of the detenu in and around the local places, i.e., Anna Nagar, Avadi, Ambattur, Manali, Thirunindravur and nearby surrounding places situated in Chennai by showing pamphlets along with the detenu's photo. The said photograph of the detenu was affixed in all important places, where there is a huge gathering, i.e., Temples, Bus Stand, Railway Station, Auto Stand, Schools, Market, Hospitals etc. In spite of the sincere efforts taken by

the respondent police, the whereabouts of the detenu/ K.Prabakaran was not able to trace out.

5. Again on 26.07.2017, a Special Team headed by the same Sub Inspector of Police was pressed upon to proceed with further investigation. The said Special Team further visited the places viz., Koyambedu, Pallavaram, St.Thomas Mount, Tambaram and also nearby various districts, i.e., Kancheepuram, Tiruvallur, etc. In all the places, the pamphlets along with the photograph of the detenu were shown and the same were affixed in the important places.

6. Once again, the process of investigation was conducted on 06.09.2017 also. The team members uploaded the details of the missing man along with his photo in the CCTNS Police Website. The missing man's photo was compared with the list of unidentified bodies mentioned in the CCTNS website. However, no clue was obtained. The respondent police is able to understand that the detenu was often mentally disturbed person and he is in a habit of consuming alcohol. Accordingly, the pamphlets and the photographs of the detenu were sent to the Mental Hospital at Ayanavaram, further, to other Hospitals, Orphanages and Rehabilitation Centres located in Chennai and Thoothukudi District. However, no fruitful reasons came out from and out of the investigation conducted by the respondent police.

7. Apart from this, as per the directions of this Court dated 16.11.2017 and 08.12.2017, the investigation of the present case was being monitored by the Deputy Commissioner of Police, Triplicane and the factual and the investigation details were placed by the Deputy Commissioner of Police, Triplicane. Finally, the Inspector of Police, who filed the status report, states that he came to know that the detenu/ K.Prabakaran fell in love affair with one Bhavani, who is a resident at Karanodai Village.

8. On 22.12.2017, again a Special Team headed by Mr.Lakhsmanan, Grade I PC 43292 was directed to search the detenu along with the said Bhavani at Karanodai Village. The team went to met the said Bhavani and conducted an enquiry with her and came to know that the said Bhavani got married with one Sakthivel on 30.04.2017, and leading a family life with him. However, she informed the police that she does not know anything about the whereabouts of the detenu. The co-worker of the detenu one Mr.Samsudheen was examined by the police on 06.01.2018, in a provisional store located at Anna Nagar and recorded his statement. His statement revealed that on 10.05.2017, the detenu informed him that he is going to Tuticorin and thereafter, the whereabouts of the detenu was not known to his friend Samsudheen also. Ultimately, the police

came to the conclusion that the detenu is a habitual alcoholic and regularly consuming alcohol and Ganja. When the owner of the supermarket had given a sum of Rs.10,000/- to him and requested one Mr.Muthu to drop him at Egmore Station and the said Muthu after dropping the detenu at Egmore Station, returned to his house. The detenu was missing thereafter.

9. On a perusal of the entire status report, we are convinced that the respondent police had taken sincere efforts to find out the whereabouts of the detenu. On account of the mental ill health and due to the habit of consuming alcohol and ganja, the detenu is unable to be traced out in near by places.

10. This being the factum of this case, this Court is of an opinion that no further adjudication needs to be undertaken in respect of the grounds raised in this present Habeas Corpus Petition. In view of the fact that this Court is convinced with the sincere efforts taken by the respondent police, we are unable to proceed with the matter any further. Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr/vsg

To

1.The Inspector of Police,
F2, Police Station,
Law and Order, Egmore, Chennai.

2.The Public Prosecutor,
Madras High Court,
Chennai.

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RSK(CO)
CS/07/06/18