

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2018

Coram

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

H.C.P.No.1134 of 2017

M.Rangasamy

... Petitioner

Vs.

1.The Superintendent of Police
Erode District.

2.The Inspector of Police
Sathiyamangalam Police Station
Sathiyamangalam.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's son namely R.Sathiyaraj, aged about 31 years before this Court and set him at liberty.

For Petitioner : Mr.S.Kolandasamy
For Respondents : Mr.R.Ravichandran
Govt. 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 for a direction to direct the respondents to produce body of the petitioner's son viz., R.Sathiyaraj, aged about 31 years.

2. The petitioner states that he is the father of the detenu viz., Mr.R.Sathiyaraj. The detenu and the petitioner were running Mini Auto for hire. The petitioner is having two sons, viz., the detenu Sathiyaraj 31 years and Lakshmanan 27 years. The contention of the petitioner is that he arranged marriage for the detenu Mr.R.Sathiyaraj on 08.06.2016, and the marriage was proposed to be solemnized in Genjanuur Amman Temple. Before the date of marriage, on 02.06.2016 at bout 8.45 a.m., the detenu Sathiyaraj, went out by two wheeler, bearing

Registration No.TN-36-A7-8008, Passion-Pro, for taking marriage dress. However, the detenu had not returned home and after waiting for the entire day, the petitioner had given a complaint before the second respondent police on 04.06.2016. The second respondent has registered F.I.R in Crime No.274 of 2016, dated 04.06.2016 under "man missing". Thereafter, the petitioner is constrained to move the present Habeas Corpus Petition.

3. The learned Government Advocate appearing on behalf of the respondent police submitted the status report filed by Mr.V.V.Sivakumar, Inspector of Police, Sathiyamangalam Police Station, Erode District. The Inspector of Police has also stated in his report that the marriage for the son of the petitioner was arranged, who is the owner-cum-driver of the Mini Auto. When the date of marriage was 08.06.2016, the detenu Sathiyaraj went out from the home on 02.06.2016 at about 8.45 a.m.. The respondent police examined the defacto complainant and friend of the defacto complainant. This apart, Saloon shop owner and other friends of the defacto complainant were also examined. The Inspector of Police, collected the particulars of the mobile phone of the detenu and further collected IMEI No.911242954884058 of the detenu's mobile and the same were submitted before the Cyber Cell for tracking, but the respondent police has not received any report from the Cyber Cell. Further, a requisition letter was furnished to the Manager, Tamil Nadu Mercantile Bank, Sathiyamangalam, Erode for furnishing the withdrawal details of the detenu's bank account through ATM card. Such details were also furnished to the police. The Inspector of Police, formed a Special Team, headed by himself along with Special Sub Inspector of Police and the Head Constable attached to Sathiyamangalam Police Station and they have searched the detenu at Mysore, Trichy, Bannari, Kothamangalam, Bhavanisagar, Panaiyamballi, Puliampatti, Sirumugai, Mettupalayam, Thudiyalur, Tiruppur, Coimbatore and surrounding areas and enquired about the detenu by showing the photograph of the detenu and also issued pamphlets containing the details of the missing man. However, they could not able to secure any clue about the detenu.

4. On a perusal of the entire status report, we are convinced that the respondent police have taken efforts to trace out the detenu. In spite of the sincere efforts, they could not able to succeed and the said efforts went in vain.

5. Apart from the efforts taken by the respondents, this Court has to examine the primary issue in respect of the maintainability of the present Habeas Corpus Petition. It is a precondition to entertain the Habeas Corpus Petition that an illegal detention is to be established by the petitioner at least a strong suspicion in respect of any such illegal

detention is to be made out. On reading of the entire affidavit filed in support of the present Habeas Corpus Petition, we are unable to find out any iota of such acceptable doubt or suspicion in respect of the present Habeas Corpus petition.

6. Such being the factum of the case, we are of the opinion that the writ petitioner has not made out any ground for the purpose of entertaining this Habeas Corpus Petition. However, the regular case registered by the respondent police under "man missing" is to be proceeded in accordance with law.

7. In this view of the matter, no further adjudication needs to be entertained in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The Superintendent of Police
Erode District.

2.The Inspector of Police
Sathiyamangalam Police Station
Sathiyamangalam.

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

सत्यमेव जयते

H.C.P.No.1134 of 2017

TR(02/07/2018)

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