

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

AND

THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.1768 of 2017

R.Dhinakaran ... Petitioner

versus

1. The Inspector of Police,
G-1 Vepery Police Station,
Vepery, Chennai

2. R.Rajathi

3. N.Gunasekaran

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a direction to direct the first respondent to produce before this Court, the body of the detenu, R.Umaya Parvathi, W/o. Late T.Rajamanickam, aged about 82 years, who is illegally detained against her will by the second and third respondents and to set her at liberty.

For Petitioner : Mr. K.Balasubramaniam

For Respondents : Mr. R.Prathap Kumar, APP., for R-1,
M/s. Muralikrishnan, for R-2 & R-3.

O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner, who is one of the sons of the detenu / R.Umaya Parvathi, aged 82 years, seeking a direction to the first respondent to produce her mother, who is stated to be illegally detained by the second and third respondents, who are the other sons of the detenu.

2. It is stated in the affidavit filed in support of this petition that during the month of February 2012, the detenu was missing and on a complaint lodged by the petitioner herein, a case in Crime No.209 of 2012 dated 27.02.2012 was registered. It is stated that the second and third respondents were not happy about the complaint laid and they have been questioning as to why the complaint should be lodged. It is the case of the

petitioner that, despite hectic search made by him, he is not able to trace out the detenu and that made the petitioner to prefer this complaint.

3. The learned counsel appearing for the second and third respondents would state that with regard to the missing of the detenu, the second and third respondents are not in any way responsible.

4. The first respondent has filed the status report, in which it is stated that the detenu herein was aged about 77 years when she was missing and on earlier occasions, the detenu left twice from the home and the Police have brought her back and she is stated to be mentally affected person.

5. A perusal of the materials available on record would go to show that all possible efforts have been taken out to trace out the detenu, but, still, it is not possible to trace her. The statements of the bank accounts of the detenu have been submitted before this Court, which disclose the bank transactions only upto year 2006 and not thereafter.

6. Under these circumstances, we direct the first respondent to continue the investigation and if during investigation, they come to know about the whereabouts of the victim, the petitioner shall be informed about the same.

7. With the above directions, this Habeas Corpus Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Inspector of Police,
G-1 Vepery Police Station, Vepery, Chennai
2. The Public Prosecutor, High Court, Madras.

H.C.P.No.1768 of 2017

RSI (CO)
TR(10/08/2018)