



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P. No.627 of 2018

S.Sivamoorthy Gounder

.. Petitioner

- Vs -

1. The Inspector of Police,
Thirupalapandhal Police Station,
Villupuram District.

2. The Sub-Inspector of Police,
Thirupalapandhal Police Station,
Villupuram district.

3. Panneer

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body of the petitioner's son namely S.Prasanth, Son of Sivamoorthy Gounder, aged about 25 years before this Court and to set him at liberty.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.R.Prathap Kumar, APP, for R1 and R2
Mr.K.Magesh, for R3

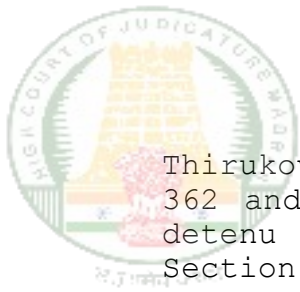
ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This petition has been filed by the father of the detenu, seeking production of his son namely S.Prasanth aged about 25 years, before this Court.

2. In the supporting affidavit, it is stated that S.Prasanth / detenu got married to one Jayamala on 11.02.2018 and having regard to the relationship with one Anbukkarasi, the detenu is missing from 17.02.2018, i.e., within one week after the marriage.

3. The learned Additional Public Prosecutor submitted that the petitioner himself is an accused along with his son/detenu and a case has been registered by All Woman Police Station,



Thirukovilur in Crime No.18 of 2018 under Sections 294(b), 408, 362 and 506(ii) I.P.C. and apart from that, a case against the detenu has also been registered in Crime No.28 of 2018 under Section 366 I.P.C.

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4. Under such circumstances, the contention of the learned Additional Public Prosecutor, that in order to escape from the clutches of the law, Habeas Corpus petition has been used as a tool by the petitioner, cannot be ruled out. Even the very averments of the petitioner disclose that there is no illegal detention.

5. Recording the submissions of the learned Additional Public Prosecutor and taking into consideration the entire facts of the case, no further direction is necessary in this matter. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Thirupalapandhal Police Station,
Villupuram District.
2. The Sub-Inspector of Police,
Thirupalapandhal Police Station,
Villupuram district.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. R. Jayaprakam, Advocate Sr.47810

+1 cc to Mr. K. Magesh, Advocate Sr.479306

H.C.P. No. 627 of 2018

KJI (CO)

EU(20/08/2018)