

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.819 of 2017

Kuppammal

... Petitioner

Vs.

State,
Rep. by the Inspector of Police,
K-3, Aminijikarai Police Station,
Aminijikarai, Chennai-600 029.
(Crime No.327 of 2017)

... Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondent Police to physically bring the body of the petitioner's son Mr.K.Arun before this Court and set him at liberty.

For Petitioner : Mr.C.V.Kumar
For Respondents : Mr.R.Ravichandran,
Government Advocate

O R D E R

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

The present Habeas Corpus Petition has been filed seeking direction to direct the respondent Police to physically bring the body of the petitioner's son Mr.K.Arun before this Court.

2. The facts in nutshell to be considered for the purpose of deciding the present Habeas Corpus Petition is that the petitioner is the mother of the detenu and the son of the petitioner, Mr.K.Arun, aged about 31 years was employed in a mechanic shop along with his brother one Mr.Ganesh at Velachery, Chennai. The petitioner states that her son regularly attends his work and returns back to home. On 31.01.2017, after taking dinner, the detenu went inside his room and locked the door. On 01.02.2017, at about 06:00 a.m., the petitioner went inside the detenu's room and found that her son Mr.Arun was not available. He has taken his mobile phones and ATM card with him. The petitioner enquired about her son in the locality and she was unable to get any clue from the neighbours and from the friends

of the detenu. Thus, the petitioner lodged a complaint before the respondent Police on 03.02.2017.

3. The learned Government Advocate appearing on behalf of the respondent Police filed a status report filed by Mr.E.Velu, Inspector of Police, J-7, Velachery Police Station (L & O), Velachery.

4. It is admitted by the respondent Police that the petitioner has lodged a complaint before the respondent police stating that she is having two sons and her second son Arun/the detenu, aged about 31 years, was missing. During the course of investigation, on 03.02.2017, the then Sub-Inspector examined the following witnesses and recorded their statements:

- "1.Tmt.Kuppamma - Petitioner / Mother of the detenu
- 2.Tr.Ganesh - Brother of the detenu
- 3.Tr.Ricardo - Neighbour of the detenu
- 4.Tmt.Chandrabagadevi - Neighbour of the detenu
- 5.Tmt.Kavitha - Neighbour of the detenu"

5. Subsequently, the Inspector of Police had sent the pamphlets containing the details of the detenu along with his photo to the State Crime Record Bureau, Chennai and the same was sent to all the Police Stations in and around Chennai and to near by places. The said pamphlets were pasted at people gathering places viz., Railway Station, Bus Stand, Auto Stand, Market, Hospital, Temple, Mechanic Shop, etc. However, the respondent police was unable to secure any clue in this regard. However, further investigation was conducted and the Sub-Inspector of Police re-examined the brother of the detenu and also examined the following witnesses and recorded their statements:

- "6.Tr.Velappan - Ex.Company Supervisor of the detenu
- 7.Tr.Srinivasan - Ex.Company colleague of the detenu
- 8.Tr.Madankumar - Ex.Company colleague of the detenu
- 9.Tr.Kumar - Ex.Company colleague of the detenu."

6. The above witnesses 7, 8 & 9 have stated that the detenu was earlier worked with them and he always used to discuss about the spiritual issues and the omni presence of God. The detenu frequently go to various temples and he avoided non-vegetarian in all circumstances. The respondent police is able to realise that the detenu was spiritually interested and was frequently attending all the temples and avoided eating of non-vegetarian. Thus, they presumed that he would have gone as a saint or travelled somewhere too far of places to visit temples. The phone details of the detenu had been obtained and both the

mobile phones possessed by the detenu were switched off and there was no information. Once again on 09.02.2017, the Sub-Inspector of Police, examined the further witnesses and recorded the following statements:

"10.Tr.Murugan - Ex.Company colleague of the detenu
11.Tr.Manikandan - Ex.Company colleague of the detenu"

7. This apart, the respondent police deputed a police team to visit the temples at Tiruverkadu and Periyapalayam, since the detenu was very much interested in God. However, no clue was obtained and on 24.08.2017, another police team went to Thiruvannamalai Temple and Veeraraghava Temple at Tiruvallur. However, the respondent police are unable to secure any information in respect of the detenu. Further investigation was conducted on 11.08.2017. The details of the detenu along with his photo was sent to the Doordarshan and All India Radio. Further, it is verified the IMEI number of the detenu's mobile, even then the respondent are clueless. This apart, on 29.12.2017, the Inspector of Police compared the photo of the detenu with the unidentified bodies at the age group of the detenu in the CCTNS and no useful informations were available. On 05.03.2018, the special team went to the Government Hospitals Mortuary at Chennai and compared the photo of the detenu with the unidentified bodies. In there also, there was no information or clue.

8. Now, the learned Government Advocate appearing on behalf of the respondent states that all sincere efforts have been taken by the respondent police to secure the detenu and they failed on account of the fact that there was no suspicion whatsoever in respect of the conduct of the detenu. The only information all along, they received is that the detenu was very much interested in praying in various temples and he avoided non-vegetarian and further avoided other worldly activities. The detenu refused to marry and therefore, the respondent police is unable to secure any information or clue about the whereabouts of the detenu.

9. It is further clarified that only when the petitioner, as a mother, insisted the detenu for marriage, the detenu left the home and therefore, there is every reason to believe that the petitioner's son is not interested in normal family life. This being the factum of the case and by recording that every effort taken by the respondent police, this Court is of an opinion that no more adjudication is required in respect of the facts and circumstances of the present case. This apart, the detenu, even at the time of leaving the home, was aged about 31 years and therefore, no further adjudication is required in this

Habeas Corpus Petition.

Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

abr/vsg

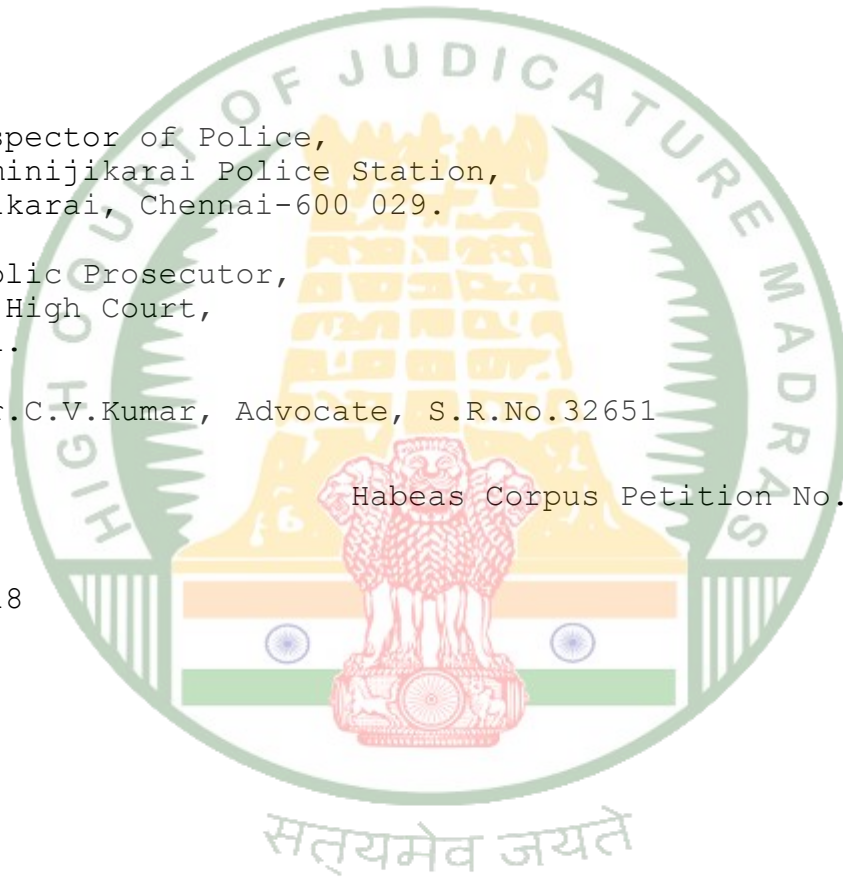
To

1. The Inspector of Police,
K-3, Aminijikarai Police Station,
Aminijikarai, Chennai-600 029.
2. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.C.V.Kumar, Advocate, S.R.No.32651

Habeas Corpus Petition No.819 of 2017

RSK(CO)
CS/04/06/18



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