



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P. (MD) Nos. 966, 968 and 970 of 2018

H.C.P. (MD) No. 966 of 2018:

M. Kalidass

... Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur.

2. The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

3. The Sub Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the detenu namely, Nethaji, aged about 21 years son of Kalidass now detained by the respondents 2 and 3 and produce the detenu or body of the detenu before this Court and set him at liberty.

H.C.P. (MD) No. 968 of 2018:

Purusothaman

... Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur.

2. The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

3. The Sub Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,

Karur District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the detenu namely, Mathan @ Manmathan, aged about 19 years son of Purusothaman now detained by the respondents 2 and 3 and produce the detenu or body of the detenu before this Court and set him at liberty.

H.C.P.(MD)No.970 of 2018:

V.Annalakshmi

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District, Karur.

2.The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

3.The Sub Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the detenu namely, Vignesh, aged about 21 years son of Venkatesh now detained by the respondents 2 and 3 and produce the detenu or body of the detenu before this Court and set him at liberty.

For Petitioners : Mr.S.Gokulraj
(In all HCP's)

For Respondents : Mr.K.Dinesh Babu, App
(In all HCP's)

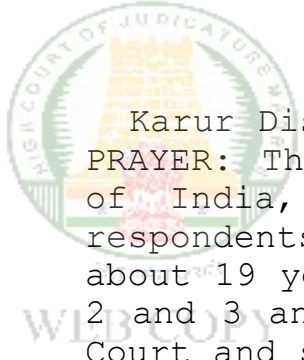
COMMON ORDER

(Order of the Court was made by C.T.SELVAM,J.)

In H.C.P.(MD)Nos.966 and 968 of 2018, the fathers of the detenu have sought a direction for production of their sons viz., Nethaji, son of M.Kalidass, aged 21 years and Mathan @ Manmathan son of Purusothaman, aged 19 years, while in H.C.P.(MD)No.970 of 2018, the mother of the detenu has sought for production of her son viz., Vignesh, son of Venkatesh, aged 21 years.

2.The alleged detenues are before this Court today.

3.Learned counsel for petitioners submitted that detenues had been illegally detained and kept in custody of the respondents 2 and 3 belonging Pasupathipalayam Police Station between





03.07.2018 and 05.07.2018 and on such respondents coming to know of filing of the present Habeas Corpus Petitions, detenues, who had been beaten black and blue by the offending respondents, had been released.

4. Detenu viz., Vignesh informs that he was a painter by profession and when he was asleep at home, at 2.45 a.m., police personal, informing themselves as belonging to Pasupathipalayam Police Station, knocked on his door and he was taken by them in police vehicle to Chinna Thirupalai Police quarters.

5. The said Nethaji, being a driver by profession informs that he was taken from his home at 2.30 a.m.. Mathan @ Manmathan informs that he was a painter by profession and that he was taken away from his home at about 4.00 a.m. He would further add that as the compound gate was locked, the police personnel who took him away scaled the wall to reach him.

6. All three were told that such police parties belong to Pasupathipalayam Police Station.

7. Mathan @ Manmathan informs that he is taking shelter in his mother's younger sister's house as he and his parents are being put to daily threat by Pasupathipalayam police personal, who ask him to sign papers and he successfully has resisted doing so.

8. Learned Additional Public Prosecutor on instructions from second respondent submitted that two cases have been registered at Velayuthampalayam Police Station in Crime No.155 of 2018 dated 14.05.2018 and Crime No.236 of 2018 dated 07.07.2018 for offences under Section 395 IPC. and the detenues herein had been called for enquiry on 03.07.2018 and thereafter, had been let off immediately. He also informs that a friend of the detenues by name, Gurudeva had been arrested and remanded to custody.

9. To what extent the statement of the second respondent, who informs of happenings at a different police station, can be taken into account is doubtful. Even so, in response to query, learned counsel for petitioners submits that the bodies of the detenues before us, would not presently reveal any injuries that had been suffered by them between 03.07.2018 and 05.07.2018. Thus, no purpose would be served by submitting the detenues to medical examinations.

10. In the above circumstances, we would close the present petitions observing that it is open to the detenues to move the State Human Rights Commission with appropriate petitions. We however would add that the police shall not be the cause of any nuisance / disturbance to the detenues. In other words, all actions of the police authorities must be guided by law and be strictly in proper exercise powers entrusted to them as district from abuse thereof.



/True Copy/

Sub Assistant Registrar

WEB COPY

To

- 1.The Superintendent of Police,
Karur District, Karur.
- 2.The Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.
- 3.The Sub Inspector of Police,
Pasupathipalayam Police Station,
Pasupathipalayam,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+3cc to M/S.S.Gokulraj, Advocate SR.No. 75039 to 75041

H.C.P. (MD) Nos.966, 968 and 970 of 2018
25.07.2018

nbj

JM/RP/SAR 4/30.08.2018/4P/8C