

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1800 of 2019

1.P.Velmurugan
2.Minor M.Hemalatha
3.Minor M.Vetriselvan
4.Minor M.Arulmani Petitioners

-vs-

1.The Superintendent of Police,
Perambalur District.
2.The Inspector of Police,
Kunnam Police Station,
Perambalur District. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the body or person of the petitioner's brother-in-law, Muthamilselvan, aged about 40 years before this Court and set him at liberty.

For Petitioners : Mr.T.Elumalai

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents to produce the body or person of the petitioner's brother-in-law, Muthamilselvan,

aged about 40 years before this Court and to set him at liberty, the present Habeas Corpus Petition has been filed.

2. The first petitioner is the brother-in-law of the detenu and petitioners 2 to 4 are the minor children. The detenu was found missing for nearly one year.

3. The respondents/Police has filed the status report. The relevant portion of the status report reads as under:-

"21. I submit that on perusal of record, so far the investigation reveals that:-

(i) the defacto complainant lodged the complaint after 11 months 10 days delay stating that he and his relatives searched the detenu in and around various places and through various sources.

(ii) the wife of detenu died on 01.03.2018 at Perambalur Government Hospital and the detenu did not come to see his wife in Hospital and also didn't attend his wife's funeral function.

(iii) neighbors of detenu informed that the detenu informed them that he will be going to Madras one month before death of his wife and thereafter they don't know whereabouts of detenu.

(iv) presently the children of detenu i.e., 2 sons aged about 10 years & 8 years respectively and one daughter aged about 16 years/petitioners 2 to 4 were being taken care of by the petitioner herein, till date the detenu didn't come to see his children.

(v) The detenu was working as a Samosa Master in Koyambedu Market, Chennai. His wife & children were residing at Asoor and he came to his residence once in 6 months due to quarrel with his wife. Also he is in the habit of drinking alcohol daily and not responding to his family and maintaining them."

4. From the above, we are quite convinced that the detenu is not willing to visit the petitioners. However, considering the fact that petitioners 2 to 4 are minor children, we direct the respondents/Police to continue with the investigation. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate.

5. Accordingly, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Police,
Perambalur District.

2.The Inspector of Police,
Kunnam Police Station,
Perambalur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Elumalai, Advocate SR.89779

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AD(CO)
CB(02/12/2019)



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