

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2019

Coram

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

H.C.P. No. 1863 of 2019

C.Kirubakaran ... Petitioner

-vs-

1.The Inspector of Police,
E2, Thirupalaivanam P.S.,
Ponneri, Thiruvallur District.

2.A.Raman

3.S.Muruganandam ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce petitioner's father Chinnadurai as body and person from the illegal custody of the 2nd and 3rd respondents before this Court and restore him to the petitioner.

For Petitioner : Mr.N.R.Kaushik

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for R1

ORDER

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

The petitioner is the son of the detenu. It is the case of the petitioner that the detenu went along with the second and the third respondents and thereafter did not return back. Thereafter, the present writ petition has been filed.

2.The learned counsel appearing for the second respondent would submit that the custody of the second respondent was taken by the first respondent without any basis and without even

implicating him in the offence. He was ill treated resulting in the complaint given before the National Human Rights Commission and the proceedings are pending before the said authority. (*)

3. We are not inclined to go into the investigation part in this proceedings. Admittedly, the investigation is going on. In such view of the matter, we deem it appropriate not to pass any orders in this petition. Thus, the habeas corpus petition stands closed with a direction to the first respondent to continue with the investigation. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate.

Sd/-
Assistant Registrar (Insp.cell)
dt.01/10/2019

(*) 6th and 7th lines of Paragraph 2
stand deleted vide order of this
Court dated 03.01.2020 made
in CrI.MP.17210/2019.

//True copy//

Sd/-
Assistant Registrar
dt.20.01.2020

mmi/ssm

Sub Assistant Registrar

To

- 1.The Inspector of Police,
E2, Thirupalaivanam P.S.,
Ponneri, Thiruvallur District. To be substituted in the place
of order despatched on
13/11/2019
- 2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Raja, Advocate SR.No.79051.

H.C.P. No. 1863 of 2019

EV (CO)
GMY (04/10/2019)
CSR:22/01/2020

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