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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1317 & 1781 of 2017

T.S.Mayilsamy

.. Petitioner
(HCP.No.1317 of 2017)

D.Gokila

.. Petitioner
(HCP.No.1781 of 2017)

Vs.

1.The Superintendent of Police,
Ram Nagar,
Coimbatore District.

2.The Inspector of Police,
Crime Branch,
Coimbatore Central.

3.Lakshmi

4.Thirumoorthi

5.Nataraj

.. Respondents
(HCP.No.1317 of 2017)

1.The Superintendent of Police,
Tirupur
Tiruppur District.

2.The State rep.by its,
The Inspector of Police,
Mangalam Police Station,
Tiruppur,
Tiruppur District.



3.T.S.Mayilsamy

4.M.Malliga

5.Kandhasamy

6.Sivasami

7.S.Yashoda

.. Respondents
(HCP.No.1781 of 2017)

Prayer in H.C.P.No.1317 of 2017: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the 2nd respondent to produce the petitioner's paternal son R.Boopathi, aged 35 years, S/o.Late Rajendran before this Court and set him at liberty.

Prayer in H.C.P.No.1781 of 2017: Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the 2nd respondent to produce the body of R.Boopathi, aged 35 years, S/o.Late Rajendran before this Court and set him at liberty.

For Petitioner .. Mr.I.Abrar Md Abdullah,
in HCP.No.1317 of 2017

Mr.M.Manohar,
in HCP.No.1781 of 2017

For R1 & R2 .. Mr.C.Iyyapparaj,
Additional Public Prosecutor,
in both HCPs.

ORDER

(Order of the Court was delivered by M.M.SUNDRESH, J.)

The petitioner and the private respondents in both the cases are close relatives. In fact, the respondents 3 to 5 in H.C.P.No.1317 of 2017 are the wife and children of the petitioner - T.S.Mayilsamy. The petitioner in H.C.P.No.1781 of 2017 is one of the sisters of the detenu - Boopathi, Son of late Rajendran. These two petitions have been filed seeking a direction to the respondent police for production of the detenu.



2. The learned Additional Public Prosecutor submitted that there is property dispute between the parties. The detenu is also having a share. As he was absconding, both the petitioners wanted the presence of the detenu to resolve the dispute. Investigation made so far did not yield any result and the same is still going on.

3. In view of the above, we are not inclined to keep these petitions pending any longer. The Inspector of Police concerning in both petitions are directed to proceed with the investigation and as and when the detenu is secured, he should be produced before the Jurisdictional Magistrate. With the above directions, the Habeas Corpus Petition stands closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

kmk/smv

To

1. The Superintendent of Police,
Ram Nagar,
Coimbatore District.

2. The Inspector of Police,
Crime Branch,
Coimbatore Central.

3. The Superintendent of Police,
Tirupur
Tiruppur District.

4. The Inspector of Police,
Mangalam Police Station,
Tiruppur,
Tiruppur District.

5. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.K. Myilsamy, advocate sr 57281

H.C.P.No. 1317 & 1781 of 2017

SP(01/08/2019)