



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09..07..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR
Habeas Corpus Petition No.1677 of 2017

K.Kondamammal

... Petitioner

-Versus-

- 1.The Inspector of Police,
Mallur Police Station,
Salem District.
- 2.Sudha
- 3.K.Perumal
- 4.K.Siva

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st respondent to secure the detenu - Varadharaju, aged about 40 years, son of the petitioner, who is illegally detained by respondents 2 to 4 and to produce him before this court and set him at liberty.

For Petitioner : Mr.T.Gowthaman

For Respondents : Mr.C.Iyyapparaj, APP for R1

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the detenu - Varadharaju. The detenu is stated to be aged about 40 years. It is the case of the petitioner that the detenu is in the illegal custody of the respondents 2 to 4. The 2nd respondent is none other than the then wife of the detenu.

2. The learned Additional Public Prosecutor, on instructions, submitted that investigation so far conducted revealed that the detenu was taking treatment for HIV. Thereafter, he left the hospital without leaving any intimation and the whereabouts of the detenu were not known. He is not in the custody of the respondents 2 to 4. In fact, the 2nd



respondent, after finding that the detenu could not be traced, is alleged to have married some other person and begotten two children.

3. In view of the above, we are not inclined to keep this petition pending any longer. Suffice it to state that the detenu is not in the illegal custody of the 2nd respondent who was his wife and the respondents 3 and 4 who are none other than the sons of the petitioner. Thus, this Habeas Corpus Petition stands closed accordingly, however, with a direction to the 1st respondent to continue with the investigation and as and when the detenu is traced, he should be produced before the jurisdictional Magistrate.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

kmk

To

1.The Inspector of Police, Mallur Police Station, Salem District.

2.The Public Prosecutor, High Court, Madras.

+lcc to Mr.T.Gowthaman, Advocate SR.No.58437

H.C.P.No.1677 of 2017

SSD(CO)
GMY(16/08/2019)