

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.2831 of 2018

C.Anbazhagan

.. Petitioner

Versus

1.The State of Tamil Nadu
Rep.by the Superintendent of Police,
Ariyalur District,
Ariyalur.

2.The Deputy Superintendent of Police,
Jayamkondam,
Ariyalur District.

3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.

4.Mrs.Banupriya

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to produce the corpus body of his son namely A.Mahadevan, aged about 28 years and set him liberty.

For Petitioner : Mr.A.Gouthaman

For Respondents: Mr.C.Iyyappa Raj,
(1 to 3) Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu namely A.Mahadevan, aged about 28 years and according to him, the 4th respondent, who is a married women took away his son and keeping him in illegal custody and despite complaint given to the 3rd

respondent Police, no effective or tenable action has been taken and therefore, came forward to file this Habeas Corpus Petition.

2. The Habeas Corpus petition was entertained on 07.12.2018 and notices were ordered and the Inspector of Police / 3rd respondent has filed a Status Report stating among other things that based on the complaint given by the petitioner, a case in Crime No.342 of 2018 has been registered for 'Man Missing' and the investigation is on and in that regard, the husband of the 4th respondent has also lodged a complaint against the detenu, as his wife along with child is missing and a case in Crime No.256 of 2018 has also been registered in the very same Police Station and investigation in respect of both cases is pending.

3. The learned counsel appearing for the petitioner would submit that the petitioner is more concerned about the safety and well being of his son and since it is obligatory on the part of the 3rd respondent to trace the detenu and handover his custody to him, prays for appropriate orders.

4. Per contra, Mr.C.Iyyapparaj, learned Additional Public prosecutor appearing for the respondent/State would submit that from the materials gathered during investigation, it appears to be a case of elopement and all-out efforts are being made to trace the detenu as well as the 4th respondent and her child and as and when, the detenu, 4th respondent and her child are traced, they will be produced before the Judicial Magistrate Court for passing appropriate orders.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal and consideration of the materials placed as well as the submission made by the respective learned counsel appearing for the parties would prima facie indicate that it is a case of elopement and however taking into consideration of the fact that the investigation being done by the 3rd respondent Police in respect of the case registered by them in Cr.No.256 of 2018 and 342 of 2018, this Court directs the 3rd respondent to conduct fair and impartial investigation in the said cases and expedite the process and as and when the detenu, as well as the 4th respondent and her child are traced, they shall be produced before the jurisdictional Judicial Magistrate for passing appropriate orders as to their custody.

7. The Habeas Corpus Petition is disposed of with the above observation.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sk

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

2.The Deputy Superintendent of Police,
Jayamkondam, Ariyalur District.

3.The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.

4.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.A.Gouthaman, Advocate SR.No.20760

HCP.No.2831 of 2018

RJI (CO)
CSL/29.03.2019



WEB COPY