



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.4181 of 2019

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Pechiammal

: Petitioner

/Vs./

1.The State represented by
The Commissioner of Police,
Tirunelveli City Police, Tirunelveli.

2.The Sub-Inspector of Police,
Pettai Police Station, Tirunelveli.

3.Sudalai : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to direct the second respondent to find out the petitioner's son Arumugam aged about 46 years within the stipulated time limit as fixed by this Court.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For R-1 and R-2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

The present petition is filed for a direction to the second respondent police to trace the petitioner's son aged about 46 years. The petitioner's son has disappeared sometime in 2013 and the petitioner / the poor illiterate widowed mother of the missing man had preferred a police complaint, on the basis of which even FIR was not registered by Pettai Police Station, but retained it in C.S.R.No.93 of 2013.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the poor widowed mother was in hope that her son would return, but it was not to be. Therefore, the petitioner had filed yet another representation dated 12.02.2019.

4. This Court is absolutely disappointed over the manner in which the second respondent police has dealt with the complaint of the petitioner filed as early as 2013. Even today, responsible statement does not appear to be forthcoming. This Court desists from tendering any advice to the parties.



5. Inasmuch as the petitioner is stated to be a poor illiterate widowed mother of the missing man, ideal course would have been for her to move for issuance of Writ of Habeas Corpus, in which eventuality the Investigating Agency will have some force to assume a over greater and responsible role.

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6. Under these circumstances, the learned counsel appearing for the petitioner submitted that the petitioner will work out her remedy by filing a Writ of Habeas Corpus and hence she seeks permission to withdraw this petition with liberty to do so.

7. Considering the above submission, the learned counsel appearing for the petitioner is permitted to withdraw this petition and he has made an endorsement to that effect.

8. In view of the endorsement made by the learned counsel appearing for the petitioner, this criminal original petition is dismissed as withdrawn with liberty to file a Writ of Habeas Corpus.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner of Police,
Tirunelveli City Police, Tirunelveli.
2. The Sub-Inspector of Police,
Pettai Police Station, Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.NA.PALANIYANDI, Advocate, SR.No.55429

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KK/SAR/22.05.2019/ 2P- 5C

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