



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.15 of 2019

K.Mahapriya

... Petitioner

-VS-

- 1.The Superintendent of Police
CBCID, Chennai
- 2.The Superintendent of Police
Theni District, Theni
- 3.The Deputy Superintendent of Police
Theni Sub Division, Theni District
- 4.The Inspector of Police
CBCID, Theni District
- 5.The Inspector of Police
Allinagaram Police Station
Theni District
- 6.The Sub Inspector of Police
Allinagaram Police Station
Theni District
- 7.Sannasi
Proprietor of Vishnu Motors
Allinagaram, Theni
- 8.Vicky
- 9.Thangaprakash
Vishnu Motors
Allinagaram, Theni

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 4th respondents to produce the person or body of the petitioner's husband, namely, S/o. Subbaiyan aged about 35 years who has been kept under illegal custody of the respondents 7 to 9 before this Court and set him at liberty.



For Petitioner : Mr.M.Suresh

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor for R1 to 6

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ORDER

[Order of the Court was made by B.PUGALENDHI, J.]

On 24.07.2017, this Court, in a connected H.C.P.(MD) No.1059 of 2017, passed the following orders:

"The petitioner, who is the wife of the detenu, seeks production of the detenu in pursuant to the case registered in Crime No.73/2016 on the file of the third respondent.

2.According to the petitioner, the detenu was missing from 02.02.2016 onwards, after reporting duty before the fifth respondent. The two status reports filed would reveal that there was an alleged occurrence on 01.02.2016. The occurrence also involves the detenu and the son of the fifth respondent has identified the detenu, though his face was covered with helmet. The status reports also indicate that the detenu do attend his work on 02.02.2016. A case has also been registered against the detenu in Crime No.131/2016. There was a case registered earlier in Crime No.73 of 2016 for Man Missing.

3.It is the case of the petitioner that Crime No.131/2016 has been registered as a counterblast to the case registered in Crime No.73/2016. The learned counsel for the petitioner would also submit that there is no explanation for registering the said case for the alleged occurrence on 01.02.2016. If really the occurrence took place on 01.02.2016, the detenu would not have attended the work on 02.02.2016.

4.Mr.T.Mohan, the learned Additional Public Prosecutor would submit that two cases have been registered on both the complaints and the investigation is going on as per the direction of this Court. The Deputy Superintendent of Police is also present .

5.There is a complaint against the detenu and admittedly, the detenu has not been traced till now. The status reports also indicate that the detenu attended the work on 02.02.2016. Even, according to the son of the fifth respondent, the alleged



occurrence in Crime No.131/16 has taken place on 01.02.2016. We do not find that there is substantial progress in the investigation. In such view of the matter, we are of the view that investigation has to be transferred to CBCID, Crime Branch, Theni District.

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6. Accordingly, the investigation in both the cases, namely, Crime Nos.73/2016 and 131/16 pending on the file of the third respondent is ordered to be transferred to the Inspector of Police in Crime Branch, CBCID, Theni District. We also direct the Superintendent of Police, CBCID to monitor and supervise the Investigation. Hence, this petition is closed."

2. Pursuant to the order dated 24.07.2017 in H.C.P.(MD) No.1059 of 2017, the case in Allinagaram Police Station Crime No.73 of 2016 was transferred to the C.B.C.I.D. and renumbered as C.B.C.I.D. Theni Police Station Crime No.2 of 2017. Similarly, the case in Theni Police Station Crime No.131 of 2016 was also transferred to the C.B.C.I.D. and renumbered as C.B.C.I.D. Theni Police Station Crime No.3 of 2017.

3. Ms.P.Chitra Devi, Inspector of Police, C.B.C.I.D. Theni District, has filed a status report, dated 08.04.2019, giving all the details of the investigation that has been done sofar by the C.B.C.I.D. to trace Kalaivanan. We are satisfied with the investigation by the C.B.C.I.D.

4. In our view , it may not be necessary to keep this Habeas Corpus Petition pending indefinitely, since admittedly Kalaivanan is not in the illegal custody of the Police. Therefore, this Habeas Corpus Petition is closed with a direction to the C.B.C.I.D. to proceed with the investigation in Crime Nos.2 and 3 of 2017 to their logical conclusion and keep the family of the petitioner informed of the developments, if any, from time to time.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Superintendent of Police,
CBCID, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Superintendent of Police,
Theni District, Theni.



3.The Deputy Superintendent of Police,
Theni Sub Division, Theni District.

4.The Inspector of Police,
CBCID, Theni District.

5.The Inspector of Police,
Allinagaram Police Station,
Theni District.

6.The Sub Inspector of Police,
Allinagaram Police Station,
Theni District.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.ANIMESH, Advocate in SR-59606

H.C.P. (MD) No.15 of 2019
08.04.2019

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