

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.07.2019

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**AND****THE HONOURABLE MR. JUSTICE B. PUGALENDHI****H.C.P(MD)Nos.401 and 434 of 2019**

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H.C.P. (MD) No. 401 of 2019

Somasundaram

... Petitioner

Vs.

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

2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's second son Kumaresan, aged about 30 years before this Court and set him at liberty.

For Petitioner : Ms.D.Saranya

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

H.C.P. (MD) No. 434 of 2019

Senthilkumar

... Petitioner

Vs.

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

2. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.

3. Kumaresan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the detenu Divya, w/o Senthilkumar, petitioner, aged about 30 years from the illegal custody of the third respondent and produce her before this Court and set her at liberty.



For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2

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COMMON ORDER**(Order of the Court was made by M.SATHYANARAYANAN, J)**

By consent, both Habeas Corpus Petitions are taken up and disposed of by this common order.

2. The petitioner in H.C.P.(MD)No.401 of 2019 is the father of the detenu, viz., Kumaresan, aged about 30 years and alleging that his son, after finishing his B.E. degree, worked in Singapore for more than five years and returned back to India and he is found missing on 01.03.2019 on the pretext of going to Maldives for job purposes and hence, the petitioner gave a complaint on the file of the second respondent police, in which, a petition enquiry is pending.

3. The petitioner in H.C.P.(MD)No.434 of 2019 is the husband of the detenu viz., Divya, aged about 30 years and alleging her illegal custody and detention at the hands of the son of the petitioner in H.C.P.(MD)No.401 of 2019, came forward to file this Habeas Corpus Petition and a complaint given in this regard is also resulted in registration of a case in Cr.No.61 of 2019, by the Inspector of Pudukottai Town Police Station, Pudukottai for "Woman missing" and the investigation is on.

4. Heard the submissions of the learned respective Counsel appearing for the petitioners and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State.

5. It *prima facie* appears that the wife of the petitioner in H.C.P.(MD)No.434 of 2019 eloped with the son of the petitioner in H.C.P.(MD)No.401 of 2019. The learned Additional Public Prosecutor would submit that the CSR pending on the file of the Inspector of Police, Aranthangi Police Station would be transferred to the file of the Inspector of Police, Pudukottai Town Police Station, Pudukottai for the purpose of further proceeding the investigation in Cr.No.61 of 2019.

6. The said submission, on instructions, is placed on record.

7. The Inspector of Police, Pudukottai Town Police Station, Pudukottai is directed to conduct fair and impartial investigation with regard to the registration of case in Cr.No.61 of 2019 and also expedite the investigation and as when the detenu as well as

the third respondent in H.C.P.(MD)No.434 of 2019 are traced, they shall be produced before the Court of Judicial Magistrate No.I, Pudukottai for passing appropriate orders as to their custody.

8. The second respondent is also directed to periodically inform the petitioners in H.C.P.(MD)No.401 of 2019 as well as H.C.P.(MD)No.434 of 2019, as to the progress being made in the investigation. The Deputy Superintendent of Police, Pudukottai is also directed to monitor the investigation and if necessary give appropriate instructions to the second respondent.

9. Both Habeas Corpus Petitions stand disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Pudukkottai District, Pudukkottai.
2. The Deputy Superintendent of Police,
Pudukottai.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 4.The Inspector of Police,
Pudukottai Town Police Station,
Pudukottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.Lenin Kumar , Advocate SR.No.73093

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