



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.06.2019
CORAM
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
H.C.P(MD)No.443 of 2019

Narayana Perumal

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pattukottai Range,
Thanjavur District.

3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

4.Jeyachandran

... Respondents

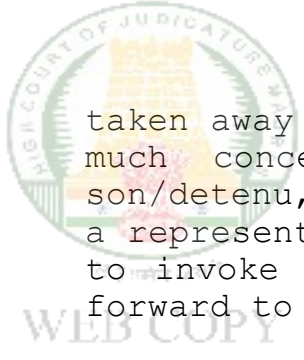
Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the body or person of detenu by name Madhavan, son of Narayanaperumal, aged 24 years, before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 to R.3
: Mr.R.Anand
for R.4

ORDER

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

The petitioner is the father of the major detenu viz., Madhavan, aged about 24 years and according to the petitioner, his son had worked in a two wheeler spare parts shop in Mappakkam, Kancheepuram District for the past six years and he sustained injuries in an accident, for which, the fourth respondent spent a considerable sum of money. It is further alleged that for the purpose of getting back the said money, the detenu was forcibly



taken away on 16.05.2019 at about 02.00 hours. The petitioner, very much concerned about the whereabouts and well being of his son/detenu, has also lodged a complaint and subsequently, submitted a representation to the respondents 1 to 3. The complaint has failed to invoke any kind of response and therefore, the petitioner came forward to file this Habeas Corpus Petition.

2. This Habeas Corpus Petition was entertained on 29.05.2019. A mention was made by the learned Counsel appearing for the fourth respondent on the ground that the detenu has been secured and accordingly, the matter is listed today.

3. Dr.R.Alagumani, learned Counsel appearing for the petitioner would submit that it is nothing but a bonded labour and for the purpose of getting back the alleged expenses said to have been met out by the fourth respondent towards medical expenses of the detenu, he has been forcibly taken away from the custody of his parents by the fourth respondent and kept in illegal detention against his wishes and therefore, prays for appropriate orders.

4. Per contra, Mr.R.Anand, learned Counsel appearing for the fourth respondent would submit that the petitioner, being a major, is very well aware of the consequences and he voluntarily came to the two wheeler mechanic shed / shop owned by the fourth respondent for the reason that since it is the only avocation known by him and as such, it cannot be said that the detenu had been kept under illegal custody and detention by the fourth respondent.

5. This Court has considered the rival submissions and perused the materials placed before this Court.

6. The detenu is present before this Court and also enquired by this Court and he would admit the fact of his employment with the fourth respondent and however, expressed his willingness to go with his mother.

7. In the light of the fact that the detenu is a major and he has been secured and produced before this Court, this Court sets him at liberty, so as to enable him to take a call with regard to his future and well being. Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)



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2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
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Thanjavur District.
3. The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P(MD) No. 443 of 2019

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CS(16.09.2019) 3P 5C