



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT
DATE : 11.06.2019

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO.478 OF 2019

P.Balu

.. Petitioner

- Vs -

1. The Commissioner of Police
Madurai City
Madurai 625 002.

2. The Inspector of Police
Koodalpudur Police Station
Madurai City.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to produce the body or person of the detainee Tmt.Alagammal, W/o Palanisamy, aged about 69 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. A.Kannan

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the son of the detainee, viz., Alagammal, aged 69 years and it appears she is also a mentally imbalanced person. The petitioner, alleging that his mother is missing from 14.11.2017, lodged a complaint on the file of the 2nd respondent based on which a case in Crime No.1095/2017 was registered on 15.11.17 for 'Woman Missing'. In spite of registration of the case and despite a lapse of nearly 1 ½ years, no steps having been taken to trace the detainee, the petitioner has approached this Court by filing this habeas corpus petition.



2. Learned counsel appearing for the petitioner submits that the petitioner is very much concerned about the safety, well being and whereabouts of his mother and despite the registration of the FIR, no serious and worthwhile efforts have been taken by the 2nd respondent to trace the detainee.

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3. Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of the respondents, on instructions, submit that serious and sincere investigation is being done to trace the detainee and that investigation is also proceeding on the right lines. Learned Addl. Public Prosecutor, on instructions, further submit that pamphlets have been distributed and wide publicity has also been given so as to enable the 2nd respondent to get some clue as to the whereabouts of the detainee.

4. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor and also perused the materials available in the typed set of documents.

5. There is no specific averment, either in the FIR or in the affidavit filed in support of the habeas corpus petition alleging illegal custody/detention of the detainee/the mother of the petitioner at the hands of any third party and, therefore, this Court is of the considered view that this petition is not maintainable.

6. However, taking into consideration the anxiety exhibited by the petitioner with regard to the safety, well being and whereabouts of his mother, this Court directs the 2nd respondent to conduct proper and speedy investigation in accordance with law with regard to the case in Crime No.1095/2017, registered by the 2nd respondent and as and when the detainee is traced, she shall be produced before the Court of Judicial Magistrate No.IV, Madurai, for passing appropriate orders as to her custody. The Assistant Commissioner of Police, Tallakulam, Madurai City, is directed to monitor the investigation conducted by the 2nd respondent and if necessary give necessary guidance for conduct of fair and speedy investigation.

7. This habeas corpus petition is disposed of accordingly. Registry is directed to mark a copy of this order to the Assistant Commissioner of Police, Tallakulam, Madurai City for necessary follow up action.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Commissioner of Police
Madurai City, Madurai 625 002.
 2. The Assistant Commissioner of Police
Tallakulam, Madurai City.
 3. The Inspector of Police
Koodalpudur Police Station
Madurai City.
 4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.
- + 1 CC TO Mr.A.Kannan, ADVOCATE IN SR No.67892

H.C.P. (MD) NO. 478 OF 2019

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