



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 19.06.2019

CORAM

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

H.C.P. (MD) NO. 521 OF 2019

J.Kulanthai Therasa

.. Petitioner

- Vs -

1. The Commissioner of Police
Madurai City, Madurai.

2. The Inspector of Police
C-5, Karimedu Police Station
Madurai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court for the issuance of a writ of habeas corpus directing respondents 1 and 2 to produce the person or body of the son of the petitioner, viz., Vinoth, S/o John Peter, aged about 29 years in respect of Crime No.158 of 2019 dated 16.2.2019 on the file of the 2nd respondent police before this Hon'ble Court, and set him at liberty.

For Petitioner : Mr. G.R.Sathish

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the mother of the detenu, viz., Vinoth, aged about 29 years and he is found missing from 14.2.2019 onwards and in that regard she lodged a complaint with the 2nd respondent, which was registered in Crime No.158/2019 for 'Man Missing'. The petitioner, alleging that no proper investigation has been made to trace her missing son, has come forward with the present petition.

2. The learned counsel appearing for the petitioner submits that just prior to the missing of the petitioner's son, some wordy altercation took place between a stranger and the petitioner's son and the petitioner genuinely suspects that he may have been abducted by the strange unknown person and, hence, prays for appropriate orders.



3. Per contra, learned Addl. Public Prosecutor submits that investigation is on and all out efforts have been taken to trace the missing detenu. 4. This Court considered the rival submissions and also perused the materials available in the typed set of documents.

5. Admittedly, the detenu is a major and in the complaint lodged by the petitioner, there is no specific allegation as to the illegal custody or detention of the detenu at the hands of third person, but only in the affidavit, some allegation has been made as to the wordy altercation with a strange unknown person and alleged illegal custody of detention of the detenu at the hands of the said person. Except for a bald allegation in the affidavit, there being no material to infer illegal detention, this petition is not maintainable. However, taking into consideration the anxiety exhibited by the petitioner, being the mother of the detenu, this Court directs the 2nd respondent to conduct quality and speedy investigation in respect of the case registered in crime No.158/2019 and inform the progress being made in the investigation to the petitioner at regular intervals. The Assistant Commissioner of Police, Thilakar Thidal, Madurai, is also directed to monitor the investigation being conducted by the 2nd respondent.

6. This habeas corpus petition is disposed of accordingly.

7.

Sd/-

Assistant Registrar (Cs-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police
Madurai City, Madurai.
2. The Assistant Commissioner of Police
Thilakar Thidal, Madurai.
3. The Inspector of Police
C-5, Karimedu Police Station
Madurai.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.S.JABAHAR, Advocate SR-69704.

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