



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 536 OF 2019

Velmurugan

.. Petitioner

- Vs -

1. State rep. by
The Commissioner of Police
Madurai.

2. The Inspector of Police
K.Pudur Police Station
Madurai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents to produce the petitioner's son Arunkumar, aged about 20 years before this Hon'ble Court and set him at liberty.

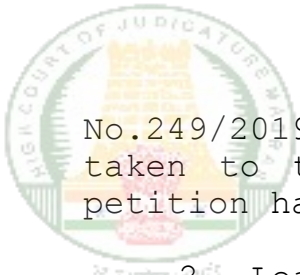
For Petitioner : P.Ganapathi Subramanian

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the father of the detenu, viz., Arunkumar, aged about 20 years and according to him, he is eking his livelihood as an auto driver and he went to Tirumala-Tirupathi for worshipping the Presiding Deity and, however, he did not return and the search made in this regard also failed to give any clue as to his whereabouts and, therefore, the petitioner lodged a complaint with the 2nd respondent, who, on receipt of the said complaint, registered a case in Crime



No.249/2019 for 'Man Missing'. Since no effective steps have been taken to trace the detenu inspite of the complaint, the present petition has been filed.

2. Learned counsel appearing for the petitioner submits that though nearly 20 days had elapsed, the 2nd respondent is not taking any proper or effective steps to trace the detenu and, hence, apprehending danger to the safety and well being of the detenu, the petitioner has come forward with the present petition.

3. Per contra, learned Addl. Public Prosecutor, who accepts notice on behalf of the respondents, on instructions, submitted that all out efforts are being made to trace the detenu.

4. Admittedly, the petitioner, neither in the complaint given to the 2nd respondent nor in the affidavit filed in support of the petition, had alleged as to the illegal custody/detention of his son at the hands of any third person and, therefore, this habeas corpus petition is not maintainable. However, taking into consideration the anxiety exhibited by the petitioner, who is the father of the missing detenu, the 2nd respondent is directed to carry out effective, proper and speedy investigation in respect of the case in Crime No.249/2019 and as and when the detenu is traced, he shall be produced before the Court of Judicial Magistrate No.6, Madurai, for passing appropriate orders as to custody.

5. The Assistant Commissioner of Police, Tallakulam, Madurai, is directed to monitor the progress of the investigation conducted by the 2nd respondent. The 2nd respondent shall inform petitioner the progress of the investigation made from time to time.

6. This petition is dismissed subject to the aforesaid observation and direction.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Commissioner of Police
Madurai.

2. The Inspector of Police
K.Pudur Police Station
Madurai.

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

3. The Assistant Commissioner of Police
Tallakulam, Madurai.



4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.P.GNAPATHI SUBRAMANIAN, ADVOCATE, SR.NO.70621

H.C.P. (MD) NO. 536 OF 2019

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BUC(09.07.2019) 3P 6C