



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 588 OF 2019

K.Avulujakkaiyan

.. Petitioner

- Vs -

1. The Superintendent of Police
Theni District.

2. The Inspector of Police
Cumbum North Police Station,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the petitioner's son, viz., Kathiravan, aged about 43 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. D.Saravanan

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., Kathiravan, aged about 43 years and he is missing from 28.5.2019 and the complaint given by him in that regard has resulted in the registration of a case in Crime No.171/2019 by the 2nd respondent for 'Man Missing' and apprehending the safety, wellbeing and whereabouts of his son, has come forward with the present petition.

2. Mr.K.Dinesh Babu, learned Addl. Public Prosecutor, accepts notice on behalf of the respondents and on instructions, submit that the detenu is heavily indebted and, therefore, he is hiding himself



on his own volition and assures that the investigation will be conducted on fair and proper lines.

3. This Court carefully considered the submissions of the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondents and also perused the materials available on record.

4. A perusal of the contents of the FIR prima facie disclose that the detenu was engaged in finance business. This Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to proceed with the investigation, in respect of the case in crime No.171/2019, in a fair and proper manner and as and when the detenu is traced, he shall be produced before the Court of Judicial Magistrate, Uthamapalayam, for passing appropriate orders as to his custody. The 2nd respondent shall also keep the petitioner informed of the progress of the investigation periodically.

6. This habeas corpus petition is disposed of with the aforesaid direction.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police
Theni District.
2. The Inspector of Police
Cumbum North Police Station,
Theni District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 cc to Mr.D.Sivaraman , Advocate SR.No.73350

gln

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