



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.07.2019
CORAM

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

H.C.P (MD) No.667 of 2019

V.Kanagaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Kayathar Police Station,
Kayathar, Tirunelveli District.

3.Veilmuthu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure or produce the body or person of the detenu, namely, Pappammal, W/o Late.Velsamy Thevar, aged about 55 years from the illegal detention of the third respondent and set her at liberty.

For Petitioner : Mr.S.Sundarapandian

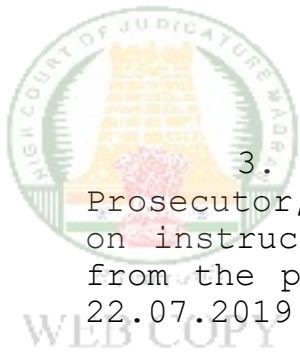
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2

ORDER

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

The petitioner is the son of the detenu viz., Pappammal, W/o Late.Velsamy Thevar, aged about 55 years and alleging illegal custody and detention of his mother at the hands of the third respondent, who also happened to be maternal uncle, came forward to file this Habeas Corpus Petition.

2. The learned Counsel appearing for the petitioner would submit that the detenu is a woman of means and in order to grab the property, the third respondent, being her brother, is keeping her under illegal custody and detention and a complaint given in this regard to the second respondent, had failed to invoke any kind of response and therefore, the petitioner is constrained to approach this Court, by filing this Habeas Corpus Petition.



3. Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 and 2, on instructions, would submit that based upon a complaint received from the petitioner, a case in Cr.No.170 of 2019 was registered on 22.07.2019 for "woman missing" and the investigation is on.

4. In the light of the above facts and circumstances, this Court directs the second respondent to investigate the case in Cr.No.170 of 2019 in a fair and proper manner and expedite the investigation and in the event of the detenu being secured, she shall be produced before the Court of the Judicial Magistrate No.II, Kovilpatti, for passing appropriate orders as to her custody and before doing so, shall inform the petitioner also.

5. The Habeas Corpus Petition is disposed of, accordingly.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,Tirunelveli, Tirunelveli District.

2.The Inspector of Police,Kayathar Police Station,
Kayathar, Tirunelveli District.

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.SUNDARAPANDIAN,Advocate, SR.No.76993

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NA (01.08.2019) 2P : 5C