



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2019

CORAM:

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

H.C.P(MD)No.659 of 2019

R.Vempayee

... Petitioner

Vs.

1. The Superintendent of Police,  
District Police Office,  
Thanthonimalai,  
Karur District.

2. The Inspector of Police,  
Karur Town Police Station,  
Karur District.

3.Roja

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the body of the petitioner's son / detainee, namely, Manoj, aged about 26 years from the detention of the third respondent and set him at liberty.

For Petitioner : Mr.Mark J Jackson

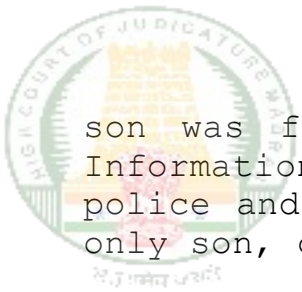
For Respondents : Mr.K.Dinesh Babu  
Additional Public Prosecutor  
for R.1 & R.2

\*\*\*\*\*

**ORDER**

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

The petitioner is the mother of the major detainee, namely, Manoj, aged about 26 years and even according to the petitioner, her son used to have wordy altercation with her and demand money and on one such occasion, on 18.08.2017, he made a demand, which was refused and thereafter, he was found missing and in this regard, she has given several complaints to the second respondent police on 09.12.2017 and 26.02.2019 and despite the fact that her



son was found missing for almost two years, not even a First Information Report has been registered by the second respondent police and apprehending safety, well being and whereabouts of her only son, came forward to file this Habeas Corpus Petition.

2. Heard the submissions of the learned Counsel appearing for the respective parties.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the official respondents, on instructions, would submit that based on the complaint given by the petitioner, Karur Town Police Station / second respondent herein has registered a case in Crime No.450 of 2019 on 22.07.2019 for 'Man Missing' and the investigation is on.

4. Though the petitioner would aver that the detainee is under the custody of the third respondent, it is the submission of the learned Additional Public Prosecutor, on instructions, that it is a case of elopement.

5. Be that as it may, the second respondent police is directed to conduct speedy and quality investigation in respect of the case in Crime No.450 of 2019 and as and when the detainee is traced, he shall be produced before the Court of Judicial Magistrate No.1, Karur for passing appropriate orders as to his custody and before doing so, the second respondent shall inform the petitioner in advance. The Deputy Superintendent of Police, Karur is also directed to periodically monitor the investigation and if required, he shall give necessary inputs to the second respondent.

6. With the above directions, this Habeas Corpus Petition stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

1.The Judicial Magistrate No.I, Karur.

2.The Superintendent of Police,  
District Police Office,

Thanthonyankudi,  
Karur District.



3. The Deputy Superintendent of Police,  
Karur.

4. The Inspector of Police,  
Karur Town Police Station,  
Karur District.

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

+1 CC to M/s. MARK J JACKSON, Advocate ( SR-77131[F] dated  
24/07/2019 )

**H.C.P(MD) No. 659 of 2019**  
**22.07.2019**

**gk/dsk**

AE/ (01.08.2019) 3P 7C