



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. N.ANAND VENKATESHI**

HCP.(MD).No.958 of 2019

R.Sivabalan ... Petitioner/Father of detenu

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Subramaniapuram Police Station,
Madurai.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body of petitioner's son namely S.Rohithraj, now aged about 18 years, before this Court and set him at liberty.

For Petitioner	: Mr.S.Mahesh Babu
For Respondents	: Mr.K.Dinesh Babu
	Addl.Public Prosecutor

O R D E R

This petition has been filed by the father of the detenu. It is the case of the petitioner that his son had gone missing from 22.06.2017 and a complaint was also given to the 2nd respondent Police. However, till date, the 2nd respondent Police have not identified the whereabouts of the detenu and therefore, the present petition has been filed before this Court.

2. The learned Additional Public Prosecutor, on instructions, submitted that pursuant to the complaint given by the petitioner, the 2nd respondent Police registered a case in Crime No.535 of 2017 on 24.06.2017, as boy missing case. Investigation reveal that the mother of the detenu is no more and that the petitioner is having contact with some other lady and this was not liked by the detenu.



Therefore, the detainee had decided to leave the house. While leaving, the detainee had taken with him all the important personal records. At the time when the detainee left the house, he was aged about 17 years and now, he is a major, who is aged about 18 years and 4 months.

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3. In view of the above facts, we are of the considered view that we cannot pass any further orders in this Habeas Corpus Petition, except to direct the 2nd respondent Police to continue with the investigation in Crime No.535 of 2017 in accordance with the guidelines given by this Court in ***S.Sukumari Vs. The Superintendent of Police, Virudhunagar District, Virudhunagar and others*** reported in ***(2018 (2) LW Cr1.636)***.

4. This Habeas Corpus Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

MPK

To

1. THE COMMISSIONER OF POLICE,
MADURAI CITY,
MADURAI.
2. THE INSPECTOR OF POLICE,
SUBRAMANIAPURAM POLICE STATION,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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JM/17.10.2019/2P/4C