

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

H.C.P.No.2438 of 2020

K.Settu

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Petitioner

Vs.

1.The District Superintendent of Police,
District Superintendent of Police Office,
Ranipet, Ranipet District.

2.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Ranipet, Ranipet District.

3.The State rep.by
The Inspector of Police,
Ranipet Police Station, Ranipet,
Ranipet District.

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Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to direct the 3rd respondent to produce his elder son namely S.Santhosh Kumar S/o.K.Settu aged about 21 years before this Court.

For Petitioner : Mr.S.Shanmugam
For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, namely, Santhosh Kumar (D.O.B 20.02.1999) and he lodged complaint on the file of the 3rd respondent on 24.11.2020, stating among other things that the detenu who is studying 3rd year B.B.A in the Adhi Parasakthi College at Kalavai, is missing from 23.11.2020. A complaint in this regard has been registered by the 3rd respondent in Cr.No.1368/2020 on 24.11.2020, for "Man Missing".

2. The learned counsel appearing for the petitioner would submit that since the whereabouts of the son is not known and very much concerned about safety and well being of the detenu, as a father, came forward to file this Habeas Corpus Petition.

3. Mr.R.Prathap Kumar, learned Additional Public Prosecutor accepts notice on behalf of the respondents and would submit that it is a case of elopement and the detenu has eloped with a girl, namely, Jayasri aged about 19 years and with regard to the missing of the girl, the 3rd respondent has registered a case in Cr.No.1367/2020, for "Girl Missing"

and in respect of complaint lodged by the petitioner, a case in Cr.No.1368/2020 has been registered on 24.11.2020 for "Man Missing" and the investigation in respect of both cases is on.

4. This Court, after considering the rival submissions and perusal of the materials, is of the considered view that in the absence of any specific averment as to the illegal detention and custody of the detenu, at the hands of anybody, the present Habeas Corpus Petition is not maintainable. However, the 3rd respondent is directed to bestow their best attention and investigate the cases in Cr.Nos.1367 & 1368/2020 and inform the progress of the investigation to the parents of the detenu as well as missing girl, at regular intervals and as and when the persons missing are traced, they shall be produced before the Court of District Magistrate cum Judicial Magistrate, Ranipet and before passing appropriate orders as to their custody, shall put their parents on notice and thereafter pass appropriate orders in accordance with law.

M. SATHYANARAYANAN, J.,
AND

P.RAJAMANICKAM, J.

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5. The Habeas Corpus petition is disposed of with the above observation.

(M.S.N.J.,) (P.R.M.,J.)
16.12.2020

Index : Yes/No
Internet: Yes/No

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To

1. The District Superintendent of Police,
District Superintendent of Police Office,
Ranipet, Ranipet District.

2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Ranipet, Ranipet District.

3. The Inspector of Police,
Ranipet Police Station, Ranipet,
Ranipet District.

4. The Public Prosecutor,
Madras High Court.

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