

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2849 of 2019

Sugumar
S/o.Chinnaiah

...

Petitioner

versus

1.Director General of Police,
Beach Road, Mylapore,
Chennai - 600 004.

2.Inspector of Police,
Udumalpet Town Police Station,
Udumalpet, Tiruppur District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the brother of the petitioner / detenu herein, namely, Rajavelu, aged about 41 years, before this Court and to set him at liberty.

For Petitioner : Mr.T.Mohan

for Mr.M.Murali

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

This Petition is filed praying for issuance of a Writ of Habeas Corpus, to direct respondents to produce the petitioner's brother, namely, Rajavelu, aged about 41 years, before this Court and set him at liberty.

2. The petitioner is the brother of the detenu- Rajavelu, who is aged about 41 years. In the affidavit filed in support of this petition, it is stated that the petitioner's brother / detenu was running an online business in household products. While so, on 03.12.2019, his brother was abducted by some extortionate-killers, namely, Suresh Swaminathan, Ramesh

Dhandapani, Raviraja, Dhandapani and Kuttimani. Since no action has been taken by the respondents to secure the petitioner's brother (detenu), this petition is filed by his brother.

3. When the petition is taken up for hearing today, the learned Additional Public Prosecutor appearing for respondents has filed a Status Report stating that, till date the petitioner has not lodged a complaint before the respondent-police. They have collected the papers from the Court on the above said H.C.P. and conducted enquiry. In the meantime, one Murugesan, S/o.Rasu, has lodged a complaint, which was registered in Crime No.55 of 2019, u/s.406, 417, 420 of IPC and Section 66 of Information Technology Act against Rajadurai and 9 others. In the said case, Ramesh [A-6] and Kuttimani [A-8] were arrested and they were remanded to judicial custody and confined in Central Prison, Trichy. The detenu Rajadurai [A-1] and his wife Swetha [A-2] and remaining accused in the said crime number are still absconding accused and they are in search of them.

4. Now, the above said case as against the detenu and others were transferred to Additional General Director of Police, E.O.W., Chennai, for further investigation on 16.12.2019. He has stated that during the course of enquiry, the Sub Inspector of Police, Udumalaipet Town Police Station, went to the rented house of the detenu i.e. No.14/23, C-1 Kolumam Road, S.V.Puram, Udumalaipet, Tiruppur, but no one is residing in the said address and the same is locked. The Sub Inspector of Police has enquired the house owner-Perumalsami about the detenu and his wife. He informed that the detenu is staying in Delhi and doing online business and he used to visit his house two months once and for the past 2 months, he did not see the detenu and his wife Swetha.

5. In view of the said submission made by the learned Additional Public Prosecutor appearing for respondents, nothing survives for further adjudication in this petition. Moreover, no complaint has been lodged by the petitioner before the respondent-police and hence, we have no other alternative to close this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Director General of Police,
Beach Road, Mylapore,
Chennai - 600 004.

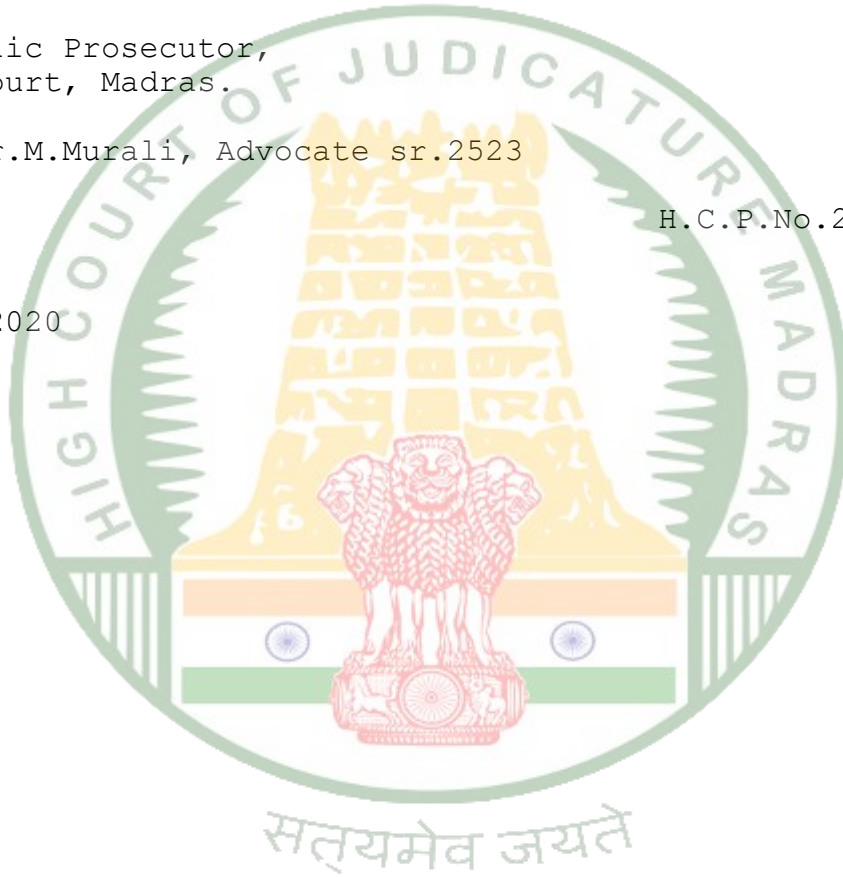
2.The Inspector of Police,
Udumalpet Town Police Station,
Udumalpet, Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Murali, Advocate sr.2523

H.C.P.No.2849 of 2019

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nr 12/02/2020



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