



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.664 of 2020

Dhanalaxmi ... Petitioner/mother of the detenu

-VS-

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

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

3.P.K.P.Palaniswamy ... 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 produce the detenu namely Mohanasundaram, son of Kandiyanan, aged about 35 years, who has been illegally detained by the third respondent before this Court and set him at liberty.

For Petitioner : Mr.B.Santhanam Rajeshkumar

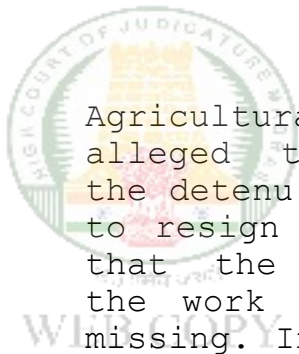
For Respondents : Mr.K.Dinesh Babu
1 and 2 Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu seeking a direction to the respondents 1 and 2 to produce the detenu namely, Mohanasundaram, son of Kandiyanan, aged about 35 years, who has been illegally detained by the third respondent before this Court and set him at liberty.

2.It is the case of the Petitioner that her son Mohanasundaram was working as Driver in the third respondent



Agricultural Farm and one Pappathi is his younger sister. It is alleged that on 16.5.2010, a wordy quarrel arose between her son, the detenu herein and the third respondent and hence her son decided to resign from the job. It is the further case of the Petitioner that the third respondent compelled the Petitioner's son to join the work on 26.5.2010 and from that date onwards, he is found missing. In this regard, a complaint was given on 27.5.2010. But no action was taken by the respondent Police. Hence a fresh complaint was given on 13.8.2010 to the respondents 1 and 2 and even thereafter, no action was taken by the respondent Police and hence the present Habeas Corpus Petition.

3. When the matter is taken up for hearing today, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 Police would state that the Petitioner's son Mohanasundaram was an employee in the third respondent Agricultural Farm and he developed love affair with the third respondent's sister Pappathi and they got married despite objection from the local people, as they were under the prohibited relationship. The learned Additional Public Prosecutor would further submit that the third respondent has also lodged a complaint with the second respondent for disappearance of his sister Pappathi and at the same time, the Petitioner has also given a complaint and hence the second respondent Police registered a case in Crime No.543 of 2020 for man missing and they are investigating the case. It is further submitted that the second respondent would investigate the complaints preferred by the Petitioner as well as the third respondent and take action in accordance with law.

4. It appears from the above facts that the detenu is said to have disappeared from the year 2010, however, this Habeas Corpus Petition has been filed by the mother of the detenu only in the year 2020, i.e., after a lapse of ten years. It is further noticed that a criminal case is registered by the second respondent on the basis of the complaint of the Petitioner.

5. In view of the above, recording the submission made by the learned Additional Public Prosecutor, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Karur, Karur District.
- 2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
H.C.P. (MD) No.664 of 2020
08.10.2020

vsn
SDS (23.10.2020) 3P-4C