



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

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

H.C.P. (MD) No.996 of 2020

N.Saravanakunar ... Petitioner/Family friend of the
detenue

-vs-

1.The Commissioner of Police,
Madurai City,
Madurai - 625 001.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.

3.Maheswaran ... 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 person or body of the Petitioner's family friend/detenu namely, R.Sanjeev Gandhi(aged about 18 years), son of Ramesh before this Court and set him at liberty.

For Petitioner : M/s.S.Bharathy Kannan

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.]

Heard M/s.S.Bharathy Kannan, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

2.The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the Petitioner's friend namely,
<https://hcservices.mca.gov.in/hcservices/>



R.Sanjeev Gandhi, son of Ramesh, aged about 18 years before this Court and set him at liberty.

3.It is the case of the Petitioner that the detenu is his friend and he is running a Mineral Water Plant as well as doing Mineral Water Business at Madurai. He would claim that the detenu's father Ramesh died in a suspicious circumstance and thereafter, the detenu was encouraged by the Petitioner to pursue his studies, which is being objected by the paternal uncle of the detenu, the third respondent herein. It is also alleged that the third respondent had harassed the detenu and his widowed mother and hence on 22.5.2020 at 11.30 p.m., the detenu contacted him seeking help and the subsequent enquiry with his mother did not yield any result and hence he preferred a complaint.

4.The learned counsel for the Petitioner would state that the Petitioner is the guardian for the detenu and in view of the phone call received from the detenu and as his mother was not able to give any reply for his disappearance for more than six months, he lodged a complaint and thereafter filed this Habeas Corpus Petition.

5.The detenu along with his mother and brother appeared before this Court through video-conferencing from the Additional Public Prosecutor's Office. Both the mother and the detenu have categorically state that the entire allegations of the Petitioner are false. The detenu would state that the Petitioner developed friendship with him only about six months back and now he is living happily with his mother and brother. In view of the above statement made by the detenu, when we question the locus-standi of the Petitioner to file this Habeas Corpus Petition, the learned counsel for the Petitioner would state that there are materials to substantiate the allegations made in the affidavit. The learned counsel would further state that he has already advised the Petitioner not to file these type of Petitions before this Court and the Petitioner has also accepted the same.

6.In the light of the above facts, this Court is of the view that no further adjudication is required in this Habeas Corpus petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar(CS-I)

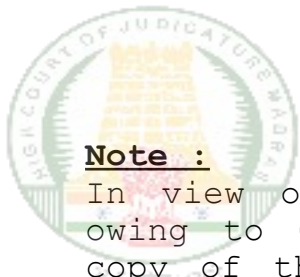
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Sub Assistant Registrar(CS)

vsn

<https://hcservices.ecourts.gov.in/hcservices/>



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 Commissioner of Police,
Madurai City,
Madurai - 625 001.
- 2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.996 of 2020
18.11.2020

PM(CO)
TR(30.11.2020) 3P 4C