



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 01.12.2020**

**CORAM:**

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

**H.C.P. (MD) No.1793 of 2018**

Tamil Selvi

... Petitioner

-vs-

The State, represented by  
The Inspector of Police,  
Thiruppuvanam Police Station,  
Sivagangai District.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondent to produce the person or body of the detenu, who is the son of the Petitioner namely, Harihara Sudhan, aged about 16 years, son of Subramaniyan before this Court and hand over the custody to the Petitioner.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.D.Dinesh Babu  
Additional Public Prosecutor

**O R D E R**

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

The prayer in the Habeas Corpus Petition is to direct the respondent to produce the Petitioner's son namely, Harihara Sudhan, son of Subramaniyan, aged about 16 years before this Court and hand over the custody to the Petitioner.

2.The Petitioner would state that she was married to one Subramaniyan and they are blessed with a male child namely, Harihara Sudhan on 6.5.2002. However, when he was one year old, her husband deserted her and till now, she has no clue regarding the where-abouts of her husband. Therefore, she is residing with her parents and taking care of her son. She would further claim that her son is studying in 11<sup>th</sup> standard in St.Mary's Higher Secondary School, Madurai and he scored 446 marks out of 500 marks in 10<sup>th</sup> standard. When he was studying Computer Science Group in the



School, he was found missing from 3.12.2018. In this regard, she lodged a complaint to the respondent Police and on the basis of the said complaint, a case in Crime No.388 of 2018 was registered on 6.12.2018. Subsequently, she provided further information to the respondent Police, but so far, they could not trace her son and hence this Habeas Corpus Petition.

3.Heard Mr.T.Antony Arul Raj, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents and perused the materials placed before this Court.

4.This Habeas Corpus Petition came to be filed before this Court on 18.12.2018. Thereafter, on number of occasions, the Habeas Corpus Petition was listed and the respondent Police has been filing Status Reports in the case in Crime No.388 of 2018. In the Status Report, dated 2.11.2020, the efforts taken by the respondent Police have been narrated, which would show that they have taken all steps to trace the detainee. However, unfortunately, he could not be traced out so far. Hence, we are of the view that merely transferring the investigation to some other agency would not yield any fruitful result.

5.In such view of the matter, while accepting the status report of the respondent Police, we thought it appropriate to direct the Superintendent of Police, Sivagangai District to monitor the investigation in Cr.No.388 of 2018, on the file of the respondent/Police. Liberty is granted to the Petitioner to approach this Court in future,if required.

6.With the above direction, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

**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, Sivagangai District.
- 2.The Inspector of Police,  
Thiruppuvanam Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER MADE IN  
**H.C.P. (MD) No.1793 of 2018**  
**01.12.2020**

AC (CO)  
AP(15/12/2020) 3P 4C