

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH  
and  
The Honourable Mr. Justice V.SIVAGNANAM

W.P. No.5089 of 2021

K.Jayapal

.. Petitioner

Vs

1.The Commissioner of Police,  
Chennai.

2.The Inspector of Police,  
Kilpauk Police Station,  
Kilpauk, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.02.2021 and received by them on 02.02.2021.

For Petitioner : Mr.J.Hariharan

For Respondents: Mr.R.Prathap Kumar,  
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking to direct the respondents to consider the petitioner's representation dated 01.02.2021.

2. It is the case of the petitioner that his son Gopinath, aged about 21 years went missing from 30.01.2018 and that, since the police are not taking effective steps to secure him, he has given a representation dated 01.02.2021 to the Commissioner of Police and has thereafter filed the present writ petition for a mandamus to the Commissioner of Police to dispose of his representation.

3. On a perusal of the typed set of papers, it is seen that on the complaint given by the petitioner, a case in Kilpauk Police Station Crime No.55 of 2018 was registered for 'man missing' on 03.02.2018. Thereafter, the petitioner filed habeas corpus petition in H.C.P.No.2570 of 2018, in which, this Court passed the following order:

"3.We have perused the status report filed by the respondent/police. From the status report, it appears that the detenu, who is the son of the petitioner has left on his own and he did not want to pursue the studies. The report further reveals the number of persons inquired.

4.In such view of the matter, we are not inclined to keep this petition pending any longer and the Habeas Corpus petition stands closed. However, we direct the respondent/police to proceed with the investigation and secure the detenu. As and when the detenu is secured, he should be produced before the Jurisdictional Magistrate"

4. It is the grievance of the petitioner that till date the police are not taking effective steps to secure his son Gopinath.

5. We do understand the anguish of the petitioner. However, the mandamus as prayed for by the petitioner cannot be granted, because, there is no statutory duty casts upon the Commissioner of Police to pass orders on such representations. The fact remains that an investigation is in progress in Kilpauk Police Station Crime No.55 of 2020 under Chapter 12 of Cr.P.C and that has to culminate in the manner known to law.

Therefore, the prayer sought for by the petitioner cannot be considered and this writ petition stands closed. However, we direct the Assistant Commissioner of Police, Kilpauk, to monitor the investigation in Kilpauk Police Station Crime No. 55 of 2020 and keep the petitioner informed of the developments, if any. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsn/nsd

To

1.The Commissioner of Police,  
Chennai.

2.The Assistant Commissioner of Police,  
Kilpauk, Chennai.

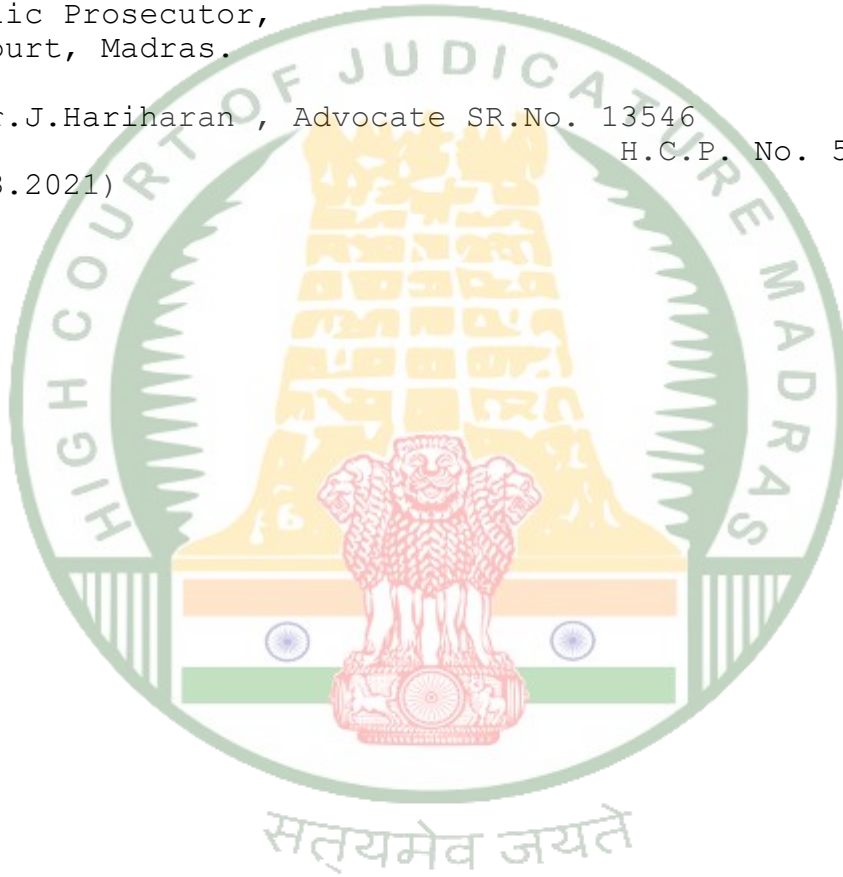
3.The Inspector of Police,  
Kilpauk Police Station,  
Kilpauk, Chennai.

4.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.J.Hariharan , Advocate SR.No. 13546

H.C.P. No. 5089 of 2021

A.SK(24.03.2021)



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