

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.NO.572 OF 2021

M.Nagamani

.. Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Coimbatore - 18.

2. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore.

3. Silambarasan

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the second respondent to produce the petitioner's son viz., Sivaselvan, before this Court, from the illegal custody of the third respondent and set him at liberty.

For Petitioner : Mr.M.Saravanakumar

For RR 1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the second respondent to produce the petitioner's son viz., Sivaselvan, before this Court, from the illegal custody of the third respondent and set him at liberty.

2. It is the case of the petitioner that her son Sivaselvan, aged about 25 years, is in the illegal custody of

the third respondent and that the police are not taking effective steps to secure him.

3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner's son Sivaselvan, aged about 25 years, had eloped with the wife of the third respondent, in connection with which, on a complaint given by the third respondent, a case in Sulur Police Station Crime No.265 of 2019 was registered for 'woman and child' missing. He further submitted that on a complaint given by the petitioner, a fresh FIR has been registered in Sulur Police Station Crime No.331 of 2021 on 16.04.2021 for 'man missing'.

4. In view of the above, this is not a case, where, the alleged detenu Sivaselvan, aged about 25 years, is in the illegal custody of anyone for the issuance of writ of habeas corpus.

Hence, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Karumathampatti Sub-Division, to monitor the investigation in Sulur Police Station Crime Nos.265 of 2019 & 331 of 2021 and keep the petitioner and the third respondent informed of the developments, if any. As and when the detenu Sivaselvan, aged about 25 years and wife and child of the third respondent are secured, they shall be produced before the Judicial Magistrate Court, Sulur, under intimation to the petitioner and the third respondent. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Sulur.
2. The Deputy Superintendent of Police,
Karumathampatti Sub-Division.
3. The Superintendent of Police,
District Police Office,
Coimbatore - 18.

4. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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JP-II(CO)
CS/17/05/2021



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