



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1297 of 2020

K.Perumal

...Petitioner

Vs.

1.The Inspector of Police
Kondalampatti Police Station
Salem South Taluk
Salem District

2.The Commissioner of Police
Salem City

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents 1 and 2 to produce the body of the petitioner's son viz., P.Kathirvel, S/o.K.Perumal, aged 27 years, before this Court and set him at liberty.

For Petitioner : Mr.S.Anbalagan
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

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

It is the case of the petitioner that his son viz., Kathirvel, aged 27 years went missing from 12.02.2020 and that the police have not taken effective steps to secure him.

2. On instructions, Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) submitted that, on a complaint given by the petitioner, a case in Kondalampatti P.S. Crime No.146 of 2020 was registered on 09.03.2020 and investigation is in progress.

3. The Inspector of Police, Kondalampatti Police Station, Salem has filed a status report dated 02.09.2020, wherein, the steps taken to trace the whereabouts of Kathirvel have been narrated. It is seen that the police have also formed a special team to trace him.



4. We are satisfied with the steps that are being taken by the police to trace the whereabouts of Kathirvel. Since Kathirvel is not in illegal custody of any person, a writ of habeas corpus cannot be issued. However, we direct the Assistant Commissioner of Police, Salem to monitor the investigation in Kondalampatti P.S. Crime No.146 of 2020 and keep the petitioner informed of the developments, if any. As and when Kathirvel is secured, he shall be produced before the Judicial Magistrate No.V, Salem, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenu.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.V
Salem
- 2.-Do- The Chief Judicial Magistrate,
Salem
- 3.The Assistant Commissioner of Police
Salem
- 4.The Inspector of Police
Kondalampatti Police Station
Salem South Taluk, Salem District
- 5.The Commissioner of Police
Salem City
- 6.The Public Prosecutor
High Court, Madras

H.C.P.No.1297 of 2020

BR(CO)
LS(13/09/2021)