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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH  
and  
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.925 of 2021

Vasuki,  
W/o.Selvaraj,  
No.58-A, Bharathi Nagar,  
Boolampatti Post, Veppanthattai Taluk,  
Perumbalur District.

... Petitioner

Vs.

1.State of Tamil Nadu  
represented by its  
The Superintendent of Police,  
Office of the Superintendent of Police,  
Perumbalur District.

2.The Inspector of Police,  
Arumbavur Police Station,  
Perumbalur District.

3.Shanthi,  
Bharathi Nagar,  
Boolampatti Post, Veppanthattai Taluk,  
Perumbalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents herein to produce the body and person of the detenu petitioner's son viz., S.Thirunavukarasu, aged about 21 years, before this Court and set him at liberty.

For Petitioner : Mr.Vimal Bobby Crimson

For Respondents : Mr.R.Muniyapparaj  
Govt. Advocate (Crl.Side)



ORDER

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

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This habeas corpus petition has been filed seeking to direct the respondents herein to produce the body and person of the detenu petitioner's son viz., S.Thirunavukarasu, aged about 21 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her son Thirunavukarasu, aged about 21 years, is in the illegal custody of the third respondent herein and that the police are not taking effective steps to secure him despite lodging of complaint.

3. On instructions, the learned Government Advocate (Crl.Side) submitted that on a complaint given by the petitioner, a petition enquiry in Arumbavur Police Station C.S.R.No.113 of 2021 has been registered and the during the course of enquiry, it came to light that the petitioner's son Thirunavukarasu, developed illicit intimacy with the third respondent, who herself is a married lady and eloped with her.

4. In such view of the matter, Thirunavukarasu, aged about 21 years, is not in the illegal custody of the third respondent for the issuance of writ of habeas corpus.

5. However, the Deputy Superintendent of Police, Perumbalur, is directed to monitor the enquiry in Arumbavur Police Station C.S.R.No.113 of 2021 and if so advised, an FIR for 'man missing' can be registered. As and when the detenu Thirunavukarasu, aged about 21 years and the third respondent are secured, they shall be produced before the District Munsif-cum-Judicial Magistrate, Veppanthattai, Perumbalur District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

With the above directions, this habeas corpus petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



nsd

To

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- 1.The District Munsif-cum-Judicial Magistrate,  
Veppanthattai, Perumbalur District.
- 2.The Superintendent of Police,  
Office of the Superintendent of Police,  
Perumbalur District.
- 3.The Deputy Superintendent of Police,  
Perumbalur District.
- 4.The Inspector of Police,  
Arumbavur Police Station,  
Perumbalur District.
- 5.The Public Prosecutor,  
Madras High Court,  
Chennai - 600 104.

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srg 20/07/2021