



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

Coram

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

H.C.P.No.1111 of 2021

Rahamedunisha,  
W/o.Anwarsherif,  
No.4, Periyasamy Village,  
Tindivanam,  
Villupuram District.

.. Petitioner

Vs.

1.The Superintendent of Police,  
District Superintendent Office,  
Villupuram.

2.The Inspector of Police,  
Tindivanam Police Station,  
Villupuram District.

3.Rajamohamed

4.K.Pichai Mohamed

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to produce the detenu viz., Faruak.A, aged about 38 years, son of Anvarshrief, before this Court from the illegal custody of the third and fourth respondents and set him at liberty.

For Petitioner : Mr.R.Subramanian

For RR 1 and 2 : Mr.R.Muniyapparaj  
Govt. Advocate (Crl.Side)

ORDER

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

This habeas corpus petition has been filed seeking to produce the detenu viz., Faruak.A, aged about 38 years, son of



Anvarshrief, before this Court from the illegal custody of the third and fourth respondents and set him at liberty.

2. It is the case of the petitioner that her son Faruak, aged about 38 years, went missing from 19.10.2020 and that the police are not taking effective steps to secure him.

3. It is seen that on a complaint given by Ayisha Banu, wife of the detenu Faruak, a case in Villupuram Police Station Crime No.2449 of 2020 was registered on 31.10.2020 for 'man missing' and that the police have also circulated pamphlets bearing the photograph of Faruak in and around that area. In the complaint given by Ayisha Banu, she has stated that on account of heavy loss in business, her husband has left a letter and has gone missing. However, the petitioner, who is the mother of the detenu Faruak, has suspected the involvement of the third and fourth respondents.

4. Be that as it may, there is no material to show that the detenu Faruak is in the illegal custody of the third and fourth respondents. That apart, he is also not a minor and he had left the house on account of some financial problems.

Hence, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Tindivanam Sub-Division, to monitor the investigation in Villupuram Police Station Crime No.2449 of 2020 and keep the petitioner informed of the developments, if any. As and when the detenu Faruak, aged about 38 years, is secured, he shall be produced before the Judicial Magistrate Court No.I, Tindivanam, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate No.I,  
Tindivanam.

2.The Deputy Superintendent of Police,  
Tindivanam Sub-Division.



3.The Superintendent of Police,  
District Superintendent Office,  
Villupuram.

4.The Inspector of Police,  
Tindivanam Police Station,  
Villupuram District.

5.The Public Prosecutor,  
Madras High Court,  
Chennai - 600 104.

H.C.P.No.1111 of 2021

UM (CO)  
B.VC(18/08/2021)