



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.1589 of 2021

M.Perumal

... Petitioner

Vs.

1.State represented by
The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 600 007.

2.State represented by
The Inspector of Police,
S-9, Palavanthangal Police Station,
St.Thomas Mount District,
Chennai - 600 061.
(Crime No.149/2021)

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent police to produce the body of the detenu viz., Tamilarasan, aged 27 years, S/o.M.Perumal, before this Court and set him at liberty.

For Petitioner : Mr.P.Vimal Raj

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor



ORDER
[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent/police to produce the body of the detenu viz., Tamilarasan, aged about 27 years, son of M.Perumal, before this Court and set him at liberty.

2. It is the case of the petitioner that his son Tamilarasan, aged about 27 years, went missing from 26.06.2021 and his whereabouts are not known since then and it is the grievance of the petitioner that the police are not taking effective steps to secure him.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Palavanthangal Police Station Crime No.149 of 2021 was registered for 'man missing' on 28.06.2021 and investigation is in progress.

4. Since the detenu Tamilarasan, aged about 27 years, is not in the illegal custody of the first and second respondents, no writ of habeas corpus can be issued.

Hence, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, St.Thomas Mount, to supervise the investigation in Palavanthangal Police Station Crime No.149 of 2021 and keep the petitioner informed of the developments, if any. As and when detenu Tamilarasan, aged about 27 years, is secured, he shall be produced before the Judicial Magistrate Court No.I, Alandur, 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-VI)

//True Copy//

Sub Assistant Registrar

nsd



1.The Judicial Magistrate No.I,
Alandur.

2.The Assistant Commissioner of Police,
St.Thomas Mount.

3.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 600 007.

4.The Inspector of Police,
S-9, Palavanthangal Police Station,
St.Thomas Mount District,
Chennai - 600 061.

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

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JP-II(CO)
SB(26/10/2021)