



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.1969 of 2021

Palanisamy
S/o.Senniyappa Gounder

..Petitioner/Father
of the Detenue

Vs.

1. State of Tamil Nadu
represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
3. The Inspector of Police,
Mulanur Police Station,
Mulanur, Dharapuram,
Tiruppur District.
4. K.Jaganathan
5. N.Saminathan
S/o.Nallasamy

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to direct the third respondent to produce the petitioner's son Sathishkumar s/o.Palanisamy aged about 32 years, before this Court from the custody of respondents 4 & 5 and set him at liberty.

For Petitioner : Mr.P.Kalimuthu

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor



O R D E R

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

This petition has been filed seeking a direction to the third respondent to produce the petitioner's son Sathishkumar s/o.Palanisamy aged about 32 years, before this Court from the custody of respondents 4 & 5 and set him at liberty.

2.It is the case of the petitioner that his son Sathishkumar, aged about 32 years, has been in illegal detention of the respondents 4 and 5 and that police are not taking effective steps to secure him.

3.Today Mr.K.Selvan, Inspector of Police, Moolanur Police Station, Tirupur District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case in Moolanur Police Station Crime No.713 of 2021, has been registered on 01.12.2021 for the offences under Sections 342, 323, 365, 386 and 506 (II) IPC against the respondents 4 & 5 as well against one Mageshwaran and Magesh and investigation is in progress. In the complaint, which has formed the basis of the First Information Report in Crime No.713 of 2021, the complainant has stated several facts relating to transfer of his properties, about which this Court cannot be concerned. However, in the complaint, the petitioner has requested the police to trace the whereabouts of his son Sathishkumar. We are not going into the correctness or otherwise of the allegations in the complaint in Crime No.713 of 2021 and it is for the police to investigate the same and take action in accordance with law.

5. In the aforesaid circumstance, we direct the Inspector of Police, Moolanur Police Station, to trace the whereabouts of Sathishkumar and keep the petitioner informed of the developments, if any. As and when Sathishkumar is secured, he shall be produced before the Judicial Magistrate Dharapuram, Tiruppur District, 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 Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm/mtl



To

1. The Judicial Magistrate,
Dharapuram,
Tiruppur District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
4. The Inspector of Police,
Mulanur Police Station,
Mulanur, Dharapuram,
Tiruppur District.
5. The Public Prosecutor
High Court, Madras

H.C.P.No.1969 of 2021

PVS (CO)
RGA (/12/2021)