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H.C.P.(MD) No.195 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.195 of 2021

R.Subramani

... Petitioner

-vs-

1.The State represented by it's
The Superintendent of Police
O/o.The Superintendent of Police
Dindigul, Dindigul District

2.The Inspector of Police
Eriodu Police Station
Dindigul District
(Crime No.1153/2020)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 2 to produce the body of the petitioner's younger brother namely Jayaveeran, son of Rengasamy, aged about 73 years old before this Court and set him at liberty.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

O R D E R

(Order of the Court was made by G.JAYACHANDRAN, J.)

This habeas corpus petition is filed by the brother of the missing person alleging that his 73 years old brother, who remained bachelor, has gone missing from 04.11.2020 and his whereabouts are not known.

2. The respondent Police, on receipt of notice in this habeas corpus petition, has constituted a team and had pursued the search of the missing person. A detailed status report, dated 17.08.2021, has been filed by the second respondent. Paragraph Nos.3 to 12 of the status report are extracted hereunder:

"3.I humbly submit that the earlier



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investigation officer on 17.11.2020 also examined some witnesses who were residing near the detainee's house. On 18.11.2020 one special officer was appointed in the rank of Grade I constable to collect more details about the detainee. Thereafter, on 23.11.2020 the special officer submit a special report with regard to his visit to District Crime Record Bureau (DCRB) to record about the missing of detainee and his details and also collected the details of unidentified dead bodies at Dindigul, Karur, Tiruchy, Nammakal, Madurai and Theni Districts.

4.I humbly submit that the CDR details were obtained for detainee's last used mobile number and it was found that his mobile phone was active till 25.10.2020 and with the help of CDR the 2nd Respondent examined the person who spoke lastly with the detainee. On 05.12.2020, the detainee photo was also uploaded on CCTNS on missing person section. Earlier investigation officer was transferred and I took charge only on 26.02.2021 Commenced investigation on 28.02.2021 and continued with the investigation.

5.I humbly submit that during my investigation it was found that the detainee had 2 brothers and three sisters. The detainee lived with one of his sister namely Palaniammal.

6.I humbly submit that the investigation further revealed that the detainee completed 10th Standard and worked as clerk in Panchayat Union office and due to his political association with CPI (ML) he resigned and unmarried. Earlier their family properties were partitioned in which detainee was allotted 5 acres of land. The detainee sold one acre of land to the petitioner and sold the remaining four acres to third parties.

7.I humbly submit that while living with this sister Palaniammal the detainee sold their ancestral property despite objection from other family members. Since the detainee refused to acceded to the request of their family members, the said Palaniammal's son Mr.Rajendran, sent the detainee out of Palaniammal home. Thereafter the detainee was left without any shelter, care and protection by the family members.

8.I humbly submit that in January 2020 i.e. One year before detainee was missing, he was



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hospitalized for wheezing trouble (asthma), lung problem in St. Joseph Hospital, Dindigul. No family members of the detainee took care of his treatment at St. Joseph Hospital. It was one Selvaraj S/o. Pitchai of Kulathupatti took care of the detainee since he is also closely associated with detainee in his political activities. During his treatment at the St. Joseph Hospital the detainee informed Mr. Selvaraj that no one is taking care of him and he is not in a position to meet his food and shelter. Moreover, the detainee also informed Ramasamy S/o Arumugam and Krishnan S/o Santhanam that he is not having any desire to live in this world and expressed his suicidal tendency.

9.I humbly submit that the detainee sold his family properties and spent the money arrived from the property sale to a political party out of his own will due to which his family members did not want to give shelter. Thereafter detainee took a rented house in Kovilor from one Mani Chettiar and started living there. He gave rent to the house from his old age pension receiving from the Government. All his old age pension amount was spent for house rent. The detainee sister one Packiam residing at Madurai who was retired employee from social welfare department arranged food for the detainee.

10.I humbly submit that the detainee was last sent by one Krishnan who is a cycle shop owner and a detailed examination was also carried out. The respondents are taking earnest steps to secure the detainee. The respondents have compared nearly about 300 dead bodies found abandoned in various places. Further the second respondent visited nearly about 45 old age homes and orphanages in and around Dindigul, Trichy and Karur to verify whether the detainee took shelter in any of the homes. Public notice of detainee missing were also circulated widely in public place and in social media. The photo of detainee was also uploaded in the CCTNS. The respondents have also formed three special teams to search for the detainee.

11.I humbly submit that the Special Team went and searched about the detainee in around Dindigul, Karur, Trichy and Thanjavur and made enquiries in all locations in and around the



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factory units, old age homes and pasted hnd bills, Searches were conducted at various SSI units, spinning and fabric units were such the detenue are likely to be employed as watchman. But, no fruitful results were available. Suspect information are received from over 25 locations after the publishing in social media and the Respondent Police are carefully examining the persons so identified and presently such scrutinizing is going on in some other places. The respondent police are not leaving any stone unturned and are at the lookout for any credible and valuable information regarding the securing the detenue.

12.I humbly submit that the Respondent Police are taking all sincere efforts to trace the whereabouts of the detenue and further the detenue is not carrying any mobile phone with him, which makes it difficult for locating the Detenue. Unfortunately, the steps taken by the Respondent Police ended in vain, but this has not deterred the Respondent Police who is putting more and more efforts and is confident or securing the detenue in the near future and produce him before this Hon'ble Court."

3. From the status report and the files produced by the learned Additional Public Prosecutor, this Court finds that the respondent Police is taking all earnest steps to trace the missing person and it is suffice to record that the respondent Police shall continue their investigation and as and when they get any breakthrough in the investigation, the same shall be informed to the petitioner herein forthwith.

4. With the above observation, this habeas corpus petition is closed.

Sd/-

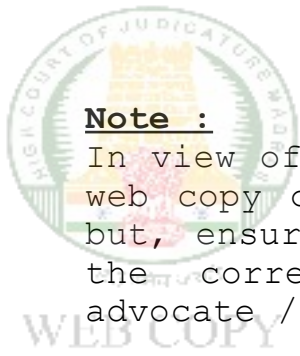
Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Inspector of Police,
Eriodu Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**H.C.P. (MD) No.195 of 2021
11.11.2021**

PS (CO)
SB(30.11.2021) 5P 4C