



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.08.2021

CORAM:

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P. (MD) .No.758 of 2021

S.Muniyammal ... Petitioner/mother of the detenu
-vs-

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

3. M.Eswari ... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondent No.1 and 2 to produce the person or body of the petitioner's son namely Marimuthu aged about 40/21, S/o. Subbiah before this Court and set her at liberty.

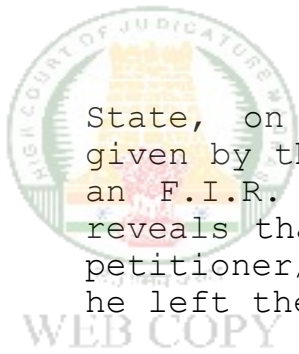
For Petitioner : Mr.T.Thirumurugan
For R-1 & R-2 : Mr.S.Ravi
Standing counsel for the State

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

The petitioner is the mother of the detenu. Alleging that the petitioner's son by name Marimuthu, S/o.Subbiah, aged about 40 years, was found missing from 07.10.2019, the petitioner said to have given a complaint before the second respondent police on 20.10.2020. Though an F.I.R has been registered in Crime No.736 of 2020, so far no action has been taken by the second respondent police to secure the detenu, hence the present Habeas Corpus Petition has been filed.

2. Earlier notice was ordered. When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing Counsel appearing for the



State, on instructions would submit that based on the complaint given by the petitioner, the second respondent police has registered an F.I.R. in Crime No.736 of 2020 and the further investigation reveals that due to some matrimonial dispute between the son of the petitioner/detenu and the third respondent, the wife of the detenu, he left the home and now working at Chennati as a Driver.

3. Considering the above circumstances, the second respondent police is directed to proceed with the investigation and take steps to secure the detenu as early as possible and in the event of securing the detenu, the second respondent police is directed to produce the detenu before the concerned Judicial Magistrate. On such production, the concerned Judicial Magistrate is directed to pass suitable orders regarding the custody of the detenu, in accordance with law.

4. With the above directions, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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,
Virudhunagar District, Virudhunagar.

2. The Inspector of Police,
Vembakkottai Police Station, Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-27441[F] dated 26/08/2021)

H.C.P. (MD) No.758 of 2021

25.08.2021

_RD(15.09.2021) 2P 5C