



WEB COPY

H.C.P.(MD) No.1025 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.1025 of 2021

Lawrence

... Petitioner

-vs-

- 1.The Superintendent of Police
Kanyakumari District at Nagercoil
- 2.The Deputy Superintendent of Police
Thuckalai Range
Thuckalay, Kanyakumari District
- 3.The Inspector of Police
Thuckalaiy Police Station
Kanyakumari District

4.B.E.Jayakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the the Respondents 1 to 3 Officials to produce the Petitioner's son Lalin, S/o.Lawrence, age-38, from the illegal custody of the 4th Respondent and produce him before this Court and set him at liberty.

For Petitioner :Mr.Sreenivasan.M.R.

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor for R1 to R3
Mr.R.J.Karthick for R4

O R D E R

S.VAIDYANATHAN, J.
and
G.JAYACHANDRAN, J.

This habeas corpus petition is filed by father of one Lalin, who according to the petitioner, went missing from 15.07.2021.



2. According to the petitioner, there was a money dispute between his son Lalin and the fourth respondent, regarding which, a complaint was given by the missing person against the fourth respondent to the first respondent, who in turn referred the complaint to the District Crime Branch for investigation. This complaint was made on 05.05.2021 and the District Crime Branch Police were investigating the said complaint. While so, Lalin was found missing since 15.07.2021 and his cellphone was switched off. Suspecting danger to the life of his son Lalin, the petitioner has given a complaint to the Thuckalay Police Station on 17.07.2021. The petitioner has also indicated in the complaint that there was enmity between his son and one Jenis and he has strained relationship with his wife. The said complaint was registered in Crime No.565 of 2021 and was taken up for investigation, but there was no progress in the investigation and hence, the present writ petition seeking habeas corpus has been moved by the petitioner.

3. The respondent Police has taken up investigation and made extensive search of the missing person and also placed public advertisement in local TV channels and handbills and obtained call details of certain phone numbers. When the respondent Police found an unidentified body within Kaliyakkavilai Police limit on 10.08.2021, the petitioner was asked to identify the body and the petitioner informed the Police that the said body is not that of his son. Two Head Constables have been deputed on special duty to find out the missing person, but there is no fruitful result.

4. The status report filed by the third respondent indicates that the respondent Police is pursuing the investigation earnestly and till date there is no breakthrough in the investigation.

5. In such circumstances, this Court is of the view that the habeas corpus petition shall be disposed of with a direction to the respondent Police to pursue the investigation and if they got any breakthrough, the same shall be informed to the petitioner herein. Insofar as the complaint given by the missing person against the fourth respondent is concerned, the same shall also be pursued in accordance with law and final report be filed on completion of the investigation.

6. With the above observation, the habeas corpus petition is disposed of.

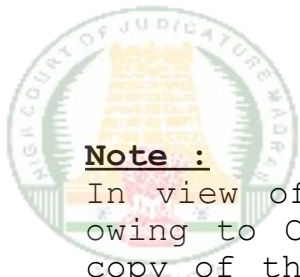
Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Kanyakumari District at Nagercoil.
- 2.The Deputy Superintendent of Police,
Thuckalai Range,
Thuckalay,
Kanyakumari District.
- 3.The Inspector of Police,
Thuckalaiy Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-34224[F] dated 12/11/2021)

H.C.P. (MD) No.1025 of 2021
11.11.2021

VR(CO)
TR/SKN(25.11.2021) 3P 7C