



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
H.C.P. (MD) No.1258 of 2021**

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Nasarudeen

... Petitioner/
Father of the Detenu

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
K.K.Nagar Police Station,
Trichy.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure and produce the body or person of the detenu, the petitioner's son, namely, Najeebudeen, S/o,Nasarudeen, aged 19 years, before this Court and set him at liberty.

For Petitioner	: Mr.S.Vikram
For Respondents	: Mr.S.Ravi Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

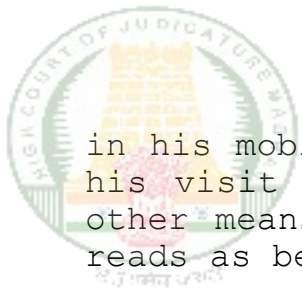
And

DR.G.JAYACHANDRAN, J.

This Habeas Corpus Petition is filed by the father stating that his 19 years old son Najeebudeen found missing from 30.12.2019 from the Arabic at Kajamalai Jamia Anvarul Uloom Arabic College.

2.The complaint registered in Crime No.3 of 2020 by the second respondent has not yielded any result and hence sought for direction by way of Habeas Corpus Petition to direct the respondents to secure the boy and produce before this Court.

3. The matter been pending for quite some time for the second respondent who intensify the search of the missing boy. Since it was reported by the respondent police that the boy has voluntarily left the Arabic College, when he was found watching the obscene pictures



in his mobile phone and thereafter search in all probable places of his visit ended in futile. The endeavour to trace the boy through other means is under progress. The status report, dated 09.12.2021 reads as below:

"It is submitted that on 04.01.2020, at 21.30 hrs. one Nazrudeen, son of Mohammed Ibrahim, a resident of No.60, Pallivasal Street, Mohammed Nagar, J.K.Nagar, Tiruchirappalli City appeared before the Sub Inspector of Police, K.K.Nagar Police Station, Tiruchirappalli City and preferred a written complaint. His complaint reveals that he is residing at the above address and working in a mutton stall, Kallukuzhi. He has two sons. His elder son is Nazumudeen, aged 17 years was studying at Khajamalai Jamya Anvarul Uloom Arabi College. On 30.12.2020, he received a phone call from the Khajamalai Jamya Anvarul Uloom Arabi College and informed that they have seized a cell phone from his son and asked him to call his parents to collect the same. They also informed the fact to him. His son is not having interest in the Arabic study and the same was informed to his friends and on the day his son was not attended the class. On 30.12.2019, at about 15.00 hours Nazumudeen came to the tea shop of Asarap Ali, son of Raja Mohammed, Race Course Road, Tiruchy, borrowed Rs.300/- and went away. Thereafter, he has not turned(sic) to his house. Hence a case was registered in K.K.Nagar P.S; Cr.No.3/2020, under the head "Boy Missing". The then Inspector of Police, K.K.Nagar took up investigation in this case, enquired the complainant and his house mates. Later, he enquired the College staff and his friends. During enquiry all witnesses corroborates the petitioner's complaint. He visited K.K.Nagar, Sundar Nagar, Khajamalai, Rajaram Salai, Subramaniapuram, Airport, Wireless road and set up useful informants. No clue.

On 5.1.2020 the Inspector of Police enquired the friends of the missing boy and his habits. Later, he formed a special party led by one Special Sub Inspector of Police and one Gr.II.P.C., to trace out the missing boy.

The Special Sub Inspector of Police visited Town, Sub Urban areas of Manapparai, Lalgudi, Musiri, Kulithalai, Namakkal and other places.

He enquired the public by producing the photos



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of the missing boy and set up informants. I also enquired several mosque areas and muslim living places by producing the photograph of the missing boy and enquired. No clue.

On 20.11.2020, the Special Sub Inspector of Police visited Thiruverambur, Thuvakudi, BHEL, Valavandankottai and Thanjavur areas. He also checked the footage of BHEL CCTV. On 25.11.2020 on the instructions of the Deputy Commissioner of Police, Law and Order, Tiruchirappalli the C.D. file was transferred to All Women Police Station, Cantonment for further investigation.

On 26.11.2020 the Inspector of Police, AWPS Cantonment took up investigation in this case, enquired at the spot and enquired the school authorities. She confidentially enquired about his character to the school authorities.

On 27.11.2020 the Inspector of Police, AWPS, Cantonment visited Central bus stand, Railway junction and enquired the suspected persons. No clue. Set up informants.

It is submitted that on 2-12-2020 the Inspector of Police, AWPS checked the control Room CCTV cameras and no useful clue.

It is submitted that on 4.9.2021 again the file was transferred to K.K.Nagar Police Station to make discreet enquiries.

It is submitted that I issued pamphlets and bit notices on all areas of Trichy City, enquired several persons and friends of the missing boy. No clue.

It is submitted that while conducting(sic) the network system for the issuance of sim card for Aathaar number 3066 0286 4939, the authorities has stated that a nil report has been sent.

It is submitted that on 10.09.2021, Sub Inspector of Police and two other ranks visited Dharka, lucrative places, cinema theatres and enquired the public by showing the photograph and setup informants.

It is submitted that the special team visited Head Mosque at Periyamadu, Chennai and met Head Haji of Tamil Nadu and issued pamphlets containing the details of the missing boy. He also broadcast the missing of the boy in the whats-up(sic) groups of all over Tamil Nadu Mosques authorities. No clue or reply.



It is submitted that the Inspector of Police, K.K.Nagar contacted Cyber Crime Branch and traced the location of his cell phone and call details, but no clue or reply."

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4. Recording the same, this Habeas Corpus Petition is closed with a direction to the respondent police to continue the search and if they get any clue, the same may be informed to the petitioner and if the petitioner gets any information about the boy, same may be informed to the investigation officer to pursue the search and to trace out the boy.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
K.K.Nagar Police Station,
Trichy.

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

H.C.P. (MD) No.1258 of 2021
09.12.2021

KS (CO)
KB(23.12.2021) 4P 4C