



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN  
and  
THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) .No.1618 of 2021

P.Mahalingam ... Petitioner/ Father of the Detenu

-vs-

1. The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.
2. The Inspector of Police  
Munnirpallam Police Station,  
Tirunelveli District.
3. Sumithra ... Respondents

**PRAYER** : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the first and second respondents to produce the body or person of the petitioner's son the detenu Thirubharathilingam, S/o.Mahalingam, aged about 18 years, now illegally detained by the third respondent before this Court and set him at liberty.

For Petitioner : Mr.D.Rajaboopathy  
For R1 & R2 : Mr.S.Ravi  
Additional Public Prosecutor

**O R D E R**

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

Alleging that the petitioner's son by name Thirubharathilingam, aged about 18 years, is found missing from 15.10.2021, illegally detained by the third respondent, the petitioner has given a complaint before the second respondent police. But, so far no action has been taken to secure the detenu. Hence, the present Habeas Corpus Petition has been filed.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State, on <https://hcs.mca.gov.in/5csewca/> would submit that the detenu has eloped with the third



respondent and now residing with her at Melacheval village and he is not illegally detained by the third respondent. He would further submit that they are conducting investigation and taking steps to secure the detenu.

3. Considering the above facts, the second respondent police is directed to proceed with the investigation and secure the detenu and produce 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 (CRL)

// 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,  
Tirunelveli District,  
Tirunelveli.
2. The Inspector of Police  
Munnirpallam Police Station,  
Tirunelveli District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate ( SR-33307[F] dated 29/10/2021

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PS (CO)

KB(19.11.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>