



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.295 of 2022

K.Narayanan
S/o.A.Kuppusamy

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai City Police,
Chennai.
2. The Additional Director General
of Police (Prison),
Egmore, Chennai - 600 008.
3. The State represented by
The Inspector of Police,
T-14, Mangadu Police Station,
Chennai - 600 122.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the third respondent herein to produce the petitioner's son N.Kumar, aged about 39 years, before this Court and set him at liberty forthwith.

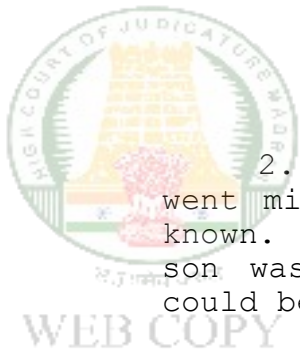
For Petitioner : Mr.R.Chakkaravarthy

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the third respondent herein to produce the petitioner's son N.Kumar, aged about 39 years, before this Court and set him at liberty forthwith.



2. It is the case of the petitioner that his son N.Kumar went missing three years back and that his whereabouts are not known. The petitioner has also stated in the affidavit that his son was involved in several criminal cases and therefore, he could be in the custody of the respondents herein.

3. On notice, Mr.T.Thiyagarajan, Inspector of Police, T-14 Mangadu Police Station, appeared before us and filed a status report dated 07.03.2022, wherein, in paragraph No.8, it is stated as follows:

'8) It is submitted that I have verified the previous case details of the missing detenu in the CCTNS [Crime & Criminal Tracking Network System] and found that the missing detenu was involved in the previous cases is as follows:

S.No.	P.S. & Crime No.	Section of Law	Stage
1.	T-15, SRMC Police Station Cr.No.266/2010	379 IPC	pending trial
2.	Somangalam P.S. Cr.No.253/2010	379 IPC	disposed
3.	Needamangalam P.S. Cr.No.169/2010	379 IPC	pending trial
4.	Karipatty P.S. Cr.No.244/2014	379 IPC	pending trial
5.	D-5, Marina P.S. Cr.No.1720/2016	75 TNCP Act	referred
6.	Redhills P.S. Cr.No.1534/2017	35, 35(B), 36 TN Forest Act	under investigation

In paragraph No.12, the Inspector of Police has stated as follows:

'12. It is further submitted that according to the respondent police also either there is no case against the missing detenu pending before the respondent nor he was under custody of the respondent. This respondent has no way connected to this complaint. According to the respondent, he was absconding accused for other pending cases concerned. It is verified through over phone that all the Prison, Prison authorities also informed that the missing detenu was not there also.'



4. Thus, from the above, it is obvious that the petitioner's son is not in the illegal detention of respondents nor in any prison in the State. Therefore, a writ of habeas corpus cannot be issued for the production of the petitioner's son. It appears that since, even according to the petitioner, the detenu had gone missing three years back, the only thing that can be done is, registration of a First Information Report for 'man missing'. It is seen that on the complaint given by the petitioner, a petition enquiry in CSR No.27/2022 has been registered on 05.01.2022. Therefore, we direct the third respondent to convert that into a regular First Information Report for 'man missing' and even in the First Information Report, it can be stated that the delay in registering the First Information Report was on account of the petitioner giving the complaint late.

With the above direction, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Commissioner of Police,
Greater Chennai City Police,
Chennai.
2. The Additional Director General of Police (Prison),
Egmore, Chennai - 600 008.
3. The Inspector of Police,
T-14, Mangadu Police Station,
Chennai - 600 122.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Chakkaravarthy, Advocate, S.R.No.15792

H.C.P.No.295 of 2022

SV(CO)
SU(21/03/2022)