



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM

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

H.C.P.No.439 of 2022

Vellaisamy

..Petitioner

Vs.

1. The District Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.

2. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus for securing the detainees 1.Balaji, S/o.Machendran, 41 years, 2.Jayabharathi, W/o.Balaji, 34 years, 3.Sunilkumar, S/o.Balaji, 15 years, 4.Dharsini, D/o.Balaji, 11 years, residing at Bidari, Keela Veethi, Sirkazhi, Mayiladuthurai District, by the respondents to produce before this Court and set them at liberty.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the respondents to produce the family members of the petitioner viz., 1.Balaji, S/o.Machendran, 41 years, 2.Jayabharathi, W/o.Balaji, 34 years, 3.Sunilkumar, S/o.Balaji, 15 years, 4.Dharsini, D/o.Balaji, 11 years, before this Court and set them at liberty.

2.It is the case of the petitioner that his son-in-law



Balaji, aged about 41 years, daughter Jayabharathi, aged about 34 years and grandchildren Sunilkumar and Dharsini, aged about 15 and 11 years, respectively, went missing from 13.01.2022 and thereafter, their whereabouts are not known.

WEB COPY

3.Today M.Chidambaram (Mobile No.94981 61276), Sub-Inspector of Police, Sirkazhi Police Station, Mayiladuthurai District, is present.

4.On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Sirkazhi Police Station Crime No.45 of 2022 was registered on 19.01.2022 for "man, woman, boy and girl missing" and during the course of investigation, it came to light that the petitioner's son-in-law Balaji had sold his house to one person and at the same time, had mortgaged the same to another person, on account of which, pressure was being mounted on him by both sides and therefore, he has gone in abscondance with his family.

5.The fact remains that they (detenus and detenues) are not in the illegal custody of the respondents herein, for the issuance of a writ of habeas corpus.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Sirkazhi Sub-Division, Mayiladuthurai District, to monitor the investigation in Sirkazhi Police Station Crime No.45 of 2022 and keep the petitioner informed of the developments, if any. As and when Balaji, aged about 41 years, Jayabharathi, aged about 34 years, Sunilkumar and Dharsini, aged about 15 and 11 years, are secured, they shall be produced before the Judicial Magistrate Court, Sirkazhi, Mayiladuthurai District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Sirkazhi, Mayiladuthurai District.



2. The Deputy Superintendent of Police,
Sirkazhi Sub-Division,
Mayiladuthurai District.
3. The District Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
4. The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.439 of 2022

VG-II(CO)
RGA(31/03/2022)