



WEB COPY



HCP No.1260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No.1260 of 2022

N.Valli

.. Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

2.The Inspector of Police,
J-7 Velacherry Police Station,
Velacherry,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the petitioner's son namely Kumaran, aged about 27 years, before this Hon'ble Court and set him at liberty.



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For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.M.Babu Muthumeeran
Additional Public Prosecutor

ORDER

**S.VAIDYANATHAN, J.,
AND
A.D.JAGADISH CHANDIRA, J.,**

This petition has been filed by the mother seeking production of his son Kumaran, aged about 27 years, before this Court.

2. The case of the petitioner is that the petitioner has three daughters and one son and all the daughters are married and the petitioner and his son, the alleged detainee are residing separately. It is stated that the alleged detainee was in love with one Yuvasree and her parents had lodged a complaint to the Guindy Police station. It is further stated that the said girl had lived together with the petitioner's son for three months and thereafter, the father of the said girl took her to his house. It is stated that on 08.05.2022, the petitioner's son had gone missing and hence the petitioner had lodged a complaint to the second respondent on 17.05.2022. It is



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alleged by the petitioner that the respondent police had neither registered CSR or FIR nor traced the whereabouts of her son. Hence, the present Habeas Corpus Petition is filed.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, a case has been registered in Cr.No.305 of 2022 under the caption “Man Missing”. He would further submit that petitioner's son is a close associate of one E.B.Mani who is involved in several cases registered by J-3 Police Station, Vellore including the cases of murder.

4. Today, a status report has been filed by the second respondent. It is stated in the status report that the respondent has examined Yuvasree and that she had stated that she got married to the alleged detainee during the year 2019 and due to misunderstanding, they got separated and approached concerned Court to get divorce during May 2021. She stated that they are living separately and that she does not know about the whereabouts of the detainee. The learned Additional Public Prosecutor would submit that the



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respondent police are continuing their investigation to trace the whereabouts of the alleged detainee.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the parties and also taking into consideration the fact that the respondent police has registered the case for “Man missing” and continuing with the investigation, this habeas corpus petition stands closed with a direction to the Assistant Commissioner, Guindy, to supervise the investigation in J-7, Velachery Police Station, Velacherry with regard to case in Crime No.305/2022 and keep the petitioner informed of the developments, if any. As and when the detainee Kumaran, son of the petitioner, aged 27 years, is secured, he shall be produced before the XVIII Metropolitan Magistrate, Saidapet, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

(S.V.N.,J.) (A.D.J.C.,J.)
27.07.2022

Index: Yes/No
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Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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