



H.C.P.No.2090 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2090 of 2022

C.Prammaiah

.. Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai – 600 007.

2.The Deputy Commissioner of Police,
O/o. Deputy Commissioner Office,
Pulianthope,
Chennai – 600 012.

3.The Assistant Commissioner of Police,
O/o. Assistant Commissioner Office,
Periyar Nagar, Perambur West,
Chennai – 600 082.

4.The Inspector of Police,
K-5, Peravallur Police Station,
Periyar Nagar,
Chennai – 600 082.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body of petitioner's son viz. P.Karthik, aged 28 years, before this Court and set him at liberty.

For Petitioner : Ms.J.Yamini Jai Divya

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

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the respondents to produce his son viz. P.Karthik, aged 28 years, before this Court and set him at liberty.

2. It is the case of the petitioner that his son Karthik, aged about 28 years, went missing from 05.02.2022 and thereafter, has not returned home. On this allegation, the petitioner has sent a complaint through registered post on 26.05.2022 to the Commissioner of Police, Chennai and has thereafter, filed the present habeas corpus petition.



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3. Of course, the petitioner has stated in his affidavit that earlier, he had filed H.C.P.No.1198 of 2022 before this Court, which was dismissed as withdrawn on 30.06.2022 on the representation of the learned Additional Public Prosecutor that the detenu Karthik is a history-sheeter and there are several criminal cases to his credit.

4. Today, G.Gopinath (Mobile No.79043 57790), Sub-Inspector of Police, K-5, Pervallur Police Station, Periyar Nagar, Chennai, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that the petitioner's son is not in the custody of any of the respondents. He produced a list of cases, in which, Karthik is involved. He further submitted that Karthik was a de facto complainant in S.C.No.337 of 2013 in Otteri Police Station Crime No.952 of 2012 on the file of the III Additional Sessions Court, Chennai, in which, he gave evidence for the prosecution and the accused therein have been convicted for the offence under Section 307 IPC and sentenced to undergo seven years imprisonment



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on 21.01.2015. It is his further submission that fearing that there could be retaliation, Karthik has gone underground.

6. The fact remains that Karthik is not in illegal custody of the respondents herein nor it is the case of the petitioner that the police had picked him up for enquiry. It is the specific case of the petitioner that Karthik went for work and did not return.

7. In such view of the matter, it cannot be stated that Karthik is in illegal custody of the respondents herein for the issuance of a writ of habeas corpus. The petitioner may go in person to the fourth respondent/police and lodge a written complaint. On such complaint being lodged, the fourth respondent shall register a regular FIR for “man missing” and take up investigation.

With the above direction, this habeas corpus petition stands closed.

(P.N.P., J.) (TKRJ)
20.10.2022

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- 5.The Public Prosecutor,
High Court, Madras.



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