



H.C.P.No.2026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2026 of 2022

Siva Prasad K.A.

.. Petitioner

Vs

- 1.The Commissioner of Police,
Avadi Commissioner Police,
Avadi, Tiruvallur District.
- 2.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Tiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first respondent herein to produce the body of the petitioner's mother Sarada, female, aged 70 years, wife of Anandan, before this Court and to set her at liberty.



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For Petitioner : Mr.M.Mohamed Riyas

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 first respondent herein to produce his mother Sarada, female, aged 70 years, wife of Anandan, before this Court and to set her at liberty.

2. It is the case of the petitioner that he is a practising doctor in Coimbatore and his mother Sarada, aged about 70 years, was residing in Chennai along with a caretaker. It is alleged by the petitioner that his mother went missing from 01.07.2022 and that the police are not taking effective steps to secure her. On these allegations, the petitioner has filed the present habeas corpus petition.



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3. Today, Shanmugam (Mobile No.98407 79931), Special Sub-Inspector of Police, Tank Factory Police Station, Avadi, Tiruvallur District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that the petitioner has an younger brother by name Vinothkumar; enquiries conducted by the police revealed that the petitioner's mother is with her younger son Vinothkumar.

5. It is seen that the petitioner has not even stated in his affidavit the address, in which, his mother was residing. Further, he has not even stated about the fact that he has an younger brother by name Vinothkumar and he went to the house of Vinothkumar in order to find out if his mother was available there.

6. When we raised these questions, the learned counsel for the petitioner submitted that the petitioner does not know about the whereabouts of Vinothkumar.



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7. We are unable to countenance the above submission of the learned counsel for the petitioner, because, the fact that he has a brother, whose whereabouts are not known to him, has not been revealed in the affidavit.

This Court is of the considered view that this habeas corpus petition is purely an abuse of process of law and therefore, the same stands dismissed with costs of Rs.25,000/- payable by the petitioner to the credit of Cancer Institute (WIA), Adyar, Chennai.

Call on 15.11.2022 “for reporting compliance”.

(P.N.P., J.) (TKRJ)
13.10.2022

Index: Yes/No
nsd



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To

- 1.The Commissioner of Police,
Avadi Commissioner Police,
Avadi, Tiruvallur District.
- 2.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Tiruvallur District.
- 3.Mr.R.Seshasayee, Chairman,
Cancer Institute (WIA),
No.38, Sardar Patel Road,
Adyar, Chennai - 20.
- 4.The Public Prosecutor,
High Court, Madras.



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and
RMT.TEEKAA RAMAN, J.

nsd

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