



H.C.P.No.2234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

Coram

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

H.C.P.No.2234 of 2022

R.Thangarasu

.. Petitioner

Vs

1.The Commissioner of Police,
Avadi Commissionerate Office,
Avadi, Chennai.

2.The Inspector of Police,
Nazarath Pettai Police Station,
Nazarathpet, Chennai.

3.Natesan

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents to produce the petitioner's son T.Velarasan, S/o.R.Thangarasu, aged 23 years, before this Court, from the illegal custody of third respondent and set him at liberty forthwith.



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H.C.P.No.2234 of 2022

For Petitioner : Dr.G.Krishnamurthy

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 and second respondents to produce his son T.Velarasan, aged 23 years, before this Court, from the illegal custody of third respondent and set him at liberty forthwith.

2. It is the case of the petitioner that his eldest son Velarasan, aged about 23 years, completed his schooling and came to Chennai some time in September 2022 for joining a training institute for banking services examination. The petitioner used to send money frequently to his son. However, there was no news from his son during the second week of October 2022, as his son's mobile phone was always switched off. Therefore, the petitioner went to the police station near to the training



H.C.P.No.2234 of 2022

institute and gave a complaint. During the enquiries conducted by the petitioner, he learnt that his son was doing business with Natesan, third respondent herein and when he approached Natesan, he was told that since the business was not profitable, Velarasan left for his native village.

3. On these allegations, the petitioner sent a complaint dated 22.10.2022 to the second respondent/police by registered post and thereafter, filed the present habeas corpus petition.

4. Today, R.Anbu Selvi (Mobile No.94981 26365), Inspector of Police, T-16, Nasarathpettai Police Station, Chennai, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that the petitioner did not come in person to the police station either for giving complaint or for enquiry; nevertheless, the police have registered a case in Crime No.294 of 2022 for “man-missing” and investigation is in progress.



H.C.P.No.2234 of 2022

6. It is not the case of the petitioner that his son is in the illegal custody of the respondents 1 and 2 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 Inspector of Police, Nazarathpettai Police Station, Chennai, to proceed with the investigation in Crime No.294 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Velarasan, aged about 23 years, is secured, he shall be produced before the Judicial Magistrate Court No.I, Poonamallee, Chennai, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
09.11.2022

nsd



H.C.P.No.2234 of 2022

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- 1.The Judicial Magistrate No.I,
Poonamallee, Chennai.
- 2.The Commissioner of Police,
Avadi Commissionerate Office,
Avadi, Chennai.
- 3.The Inspector of Police,
Nazarath Pettai Police Station,
Nazarathpet, Chennai.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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H.C.P.No.2234 of 2022

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and
RMT.TEEKAA RAMAN, J.

nsd

H.C.P.No.2234 of 2022

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