



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

H.C.P. (MD)No.102 of 2022

WEB COPY

Sakthivel : Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Kalligudi Police station,
Madurai District
Crime No.222/2021

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the detainee namely Pandiaraja, S/o.Sakthivel, aged 14 years before this Court for eventual restoration to the custody of the petitioner herein.

For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has taken away the case bundles from him and therefore, he reported 'no instructions'. However, we went into the case records.

2. It is the case of the petitioner that his son Pandiaraja, aged about 14 years went missing from 27.10.2021 and that police are not taking effective steps to secure him.

3. Mr.J.Maria William, Special Sub Inspector of Police, Kallikudi Police Station is present.

3. On notice, the Inspector of Police, Tirumangalam Town Circle and Kalligudi Police Station has filed a detailed status report dated 11.04.2022, wherein, it is stated that on the complaint given by the petitioner, a case in Kallikudi Police Station Crime No.222/2021 was registered on 29.10.2021 for 'boy missing' and that the steps that are being taken by the police to secure Pandiaraja. To be more specific, we are extracting the following paragraphs from the said status report.



"3.I submit that on 30.10.2021 I deputed two police personnel to search the missing boy Pandiyaraja in the Madurai, Dindigul and Theni District bus stand and the places where the public could gather more and shown the photograph of the missing boy pandiyaraja and given the mobile numbers to the public, if they found him. Further they affixed the notice on all bus stand and sent to DCRB, Madurai dt so as to affix the photograph in the nearby police stations on 03.11.2021 they reported back with special report.

4.I submit that I sent a bit notice with photo of the missing boy Pandiyaraja to all police stations and we had given advertisement about the missing boy in Kallikudi, Thirumangalam Town and its environs and we also given advertisement on local cable T.V. Channels about the missing boy.

5.I submit that I have enquired the relatives and family of the petitioner and obtained 161(3) statements and we also enquired the teachers in the PKN, School in which the missing boy studied and also the close friends of the missing boy. Further I enquired the people who stay and work in the countryside and searched their home whether he was staying along with them.

6.I submit that on 04.02.2022 we enquired the village friends of the missing boy namely 1.Eswaran, 2.Balamurugan, 3.Velmurugan, 4.Dhanapandi, 5.Bharathikumar and on 07.02.2022 we enquired his school friends 1.Abinesh, 2.Santhosh, 3.Ayyapparaja, 4.Anandagopal, 5.Kasimayan and on 08.02.2022 we enquired his relatives.

7.I submit that on 13.02.2022 we got the information that the missing boy was roaming around the Mattuthavani Bus stand so we searched the Mattuthavani bus stand and given details of the missing boy to the Mattuthavani police station and further affixed the photo of the missing boy in and around the Mattuthavani bus stand.

8.I submit that on 23.03.2022 we deputed one Special Sub Inspector to search the missing boy and he went to Melur and enquired all the auto drivers and shops which is situated at Melur and affixed the photo of the missing boy. On 24.03.2022 they went to Samayanallur and Nagamalaiputhukottai area and affixed the photo.

9.I submit that on 04.03.2022 we enquired the mother of the missing boy, she stated that on 04.10.2021 the missing boy took the cellphone of her brother's son one Muneeswaran from his home for playing video games. The said Muneeswaran gave complaint to police station. A CSR was issued in 279/21 and the same was closed when the missing boy Pandiyaraja replaced the mobile phone in front of the house of Muneeswaran and the CSR was closed on 12.10.2021. When the missing boy's mother Pandeewari



him. Later the village people also came to know about this. So he got depressed and on 27.10.2021 he informed that he is going to school but he did not come back.

10.I submit that his parents wanted to discipline the boy, so often they scolded him because of that he went out from the home. Further I enquired the said Muneeswaran. I am taking more efforts to find out the whereabouts of the missing boy. We have formed a special team and monitoring the case to search the missing boy."

4. Thus, from a perusal of the above, it is clear that the petitioner's son is not in the illegal custody of the respondents for issuance of a writ of Habeas Corpus. However, we are satisfied with the steps that are being taken by the respondents for securing the petitioner's son. Hence, this petition is closed with a direction to the Deputy Superintendent of Police, Thirumangalam to supervise the investigation in Kalligudi Police Station Crime No.222/2021 and keep the petitioner informed of the developments, if any. As and when the boy is secured, he shall be produced before the Judicial Magistrate, Tirumangalam, under intimation to the petitioner and the learned Magistrate shall pass appropriate orders with regard to custody.

Sd/-

Assistant Registrar (Records)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RR

To:

- 1.The Judicial Magistrate, Tirumangalam.
- 2.The Superintendent of Police,
Madurai District
- 3.The Deputy Superintendent of Police,
Tirumangalam.
- 4.The Inspector of Police,
Kalligudi Police station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD)No.102 of 2022

Dated: 07.06.2022

RD(22.06.2022) 3P 6C

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