



HCP(MD)No.1046 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

CORAM

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

H.C.P.(MD)No.1046 of 2022

M.Durgeswari

.. Petitioner / mother
of the detenu

Vs.

1.The Superintendent of Police
Dindigul
Dindigul District

2.The Deputy Superintendent of Police,
Dindigul
Dindigul District

3.The Inspector of Police,
Ambathurai Police Station,
Dindigul District

4.The Sub Inspector of Police,
Chinnalapatti Police Station
Dindigul District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents to produce the person or body of the detenu namely, Eswaran, aged about 29 years, Son of



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K.Murugesan, before this Court and set him at liberty.

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For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

It is the case of the petitioner that her son Eswaran, who was slightly mentally challenged, went missing from 02.06.1993. In connection with that, the petitioner appears to have issued a public notice in “Dinathanthi”, a Tamil daily on 08.06.1993. It is the grievance of the petitioner that she lodged a complaint in Chinnalapatti Police Station, after her son was missing. But the police has not taken any steps to secure him. Therefore, she has filed the present Habeas Corpus Petition.

2. Today, Ms.K.Gomathi, Sub Inspector of Police, Chinnalapatti Police Station is present.

3. On instructions, the learned Additional Public Prosecutor submitted that, the petitioner gave a written complaint on 13.05.2022 to the



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Superintendent of Police, Dindigul District. The said complaint was registered as complaint No.G3/e/2470163/1698/2022 and was forwarded to the Inspector of Police, Chinnalapatti Police Station for enquiry. During enquiry, it came to light that Chinnalapatti Police Station was established only on 26.12.1994 and therefore, the petitioner could not have given a complaint in the year 1993 with regard to the missing of her child. That apart, the petitioner is seeking a certificate from the police authorities to the effect that her son is “not traceable”, so that she could get pension from the Government. In the opinion of this Court, such a non traceable certificate can never be given by the police in respect of human beings because, until the person is found alive or dead, such certificates cannot be issued as an interim measure. It is always open to the petitioner to approach the civil Court for appropriate relief.

4. In the result, this petition stands closed with liberty to the petitioner to work out her remedy in the manner known to law.

(P.N.P.,J.) (R.V.,J.)
01.07.2022

Internet : Yes



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RR

To

- 1.The Superintendent of Police
Dindigul
Dindigul District
- 2.The Deputy Superintendent of Police,
Dindigul
Dindigul District
- 3.The Inspector of Police,
Ambathurai Police Station,
Dindigul District
- 4.The Sub Inspector of Police,
Chinnalapatti Police Station
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH,J.
and
R.VIJAYAKUMAR, J.

RR

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