



H.C.P.(MD) No.1430 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

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Muthaiya

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Pudhukottai.
2. The Superintendent of Police,
Office of the Superintendent,
Thanjavur.
3. The Deputy Superintendent of Police,
Orathanadu Division,
Thanjavur District.



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4. The Deputy Superintendent of Police,
Alangudi Division,
Pudhukottai District.

5. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

6. The Inspector of Police,
Karambakudi Police Station,
Pudhukottai District.

7. Selvam

8. Ramesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents 1 to 6 to produce the person or body of the detainee by name Surendran, S/o.Muthaiya, aged about 24 years, before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents 1 to 6 : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

[Made by P.N.PRAKASH, J.]

This Habeas Corpus Petition has been filed seeking to direct the respondents 1 to 6 to produce the petitioner's son namely, Surendran, aged about 24 years, before this Court and set him at liberty.

2. The case of the petitioner is that his son namely, Surendran, aged about 24 years, was abducted by one Nandhini and four unknown persons from his house on 24.08.2022 and thereafter, the whereabouts of his son is not known. Alleging that Surendran is in illegal custody of Nandhini and respondents 7 and 8, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

3. Today, Mr.K.Kanthavel, [Mobile No.94981 62353] Head Constable, Thiruvonam Police Station, Thanjavur District, is present before this Court. On instructions, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents 1 to 6 submitted that Nandhini



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went missing from her house in Thiruvonam Police limits in connection with which, on the complaint given by her brother Santhosh, a case in Thiruvonam Police Station Crime No.601 of 2022 has been registered on 26.08.2022 for "woman missing" and that the investigation is in progress. He also submitted that in connection with the investigation in Crime No.601 of 2022, when the Thiruvonam Police went to the house of the petitioner in Thirumancheri Post, Karambakudi Taluk, Pudukottai District, on 26.08.2022, the petitioner hurriedly sent a representation on the same day by registered post, alleging that his son Surendran has been illegally taken into custody by Nandhini and her friends and thereafter, filed the present Habeas Corpus Petition.

4. Thus, it is seen that both Surendran and Nandhini are missing from their respective homes. In such view of the matter, it cannot be stated that Surendran is in illegal custody of the respondents for the issuance of a Writ of Habeas Corpus. However, we direct the Deputy Superintendent of Police, Orathanadu Division, Thanjavur District, to supervise the investigation in Thiruvonam Police Station Crime No.601 of



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2022 and keep the petitioner informed of the developments, if any. As and when Surendran and Nandhini are secured, they shall be produced before the Judicial Magistrate Court, Orathanadu, Thanjavur District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody, in accordance with law.

5. Hence, this habeas corpus petition stands closed.

[P.N.P., J.] [R.H., J.]
01.09.2022

Index : Yes / No
Internet : Yes / No
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Copy to

1. The Superintendent of Police,
Office of the Superintendent of Police,
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2. The Superintendent of Police,
Office of the Superintendent,
Thanjavur.



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3. The Deputy Superintendent of Police,
Orathanadu Division,
Thanjavur District.
4. The Deputy Superintendent of Police,
Alangudi Division,
Pudhukottai District.
5. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
6. The Inspector of Police,
Karambakudi Police Station,
Pudhukottai District.
7. The Judicial Magistrate Court,
Orathanadu,
Thanjavur District,
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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