



**H.C.P.(MD) No.1953 of 2022**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 07.12.2022**

**CORAM:**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN  
AND  
THE HON'BLE MR JUSTICE SUNDER MOHAN**

**H.C.P.(MD) No.1953 of 2022**

S.Chitra

... Petitioner

**-vs-**

1.Superintendent of Police,  
Karur.

2.The Inspector of Police,  
Vangal Police Station,  
Karur.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the second respondent for the production of person or body of petitioner's brother Vijayan, aged about 36 years before this Court and set him at liberty.

For Petitioner : Mrs.B.Asha

For R1 & R2 : Mr.S.Ravi  
Additional Public Prosecutor



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## **ORDER**

**DR.G.JAYACHANDRAN,J.**  
**AND**  
**SUNDER MOHAN,J.**

The petitioner herein is the sister of one Vijayan. According to the petitioner, the said Vijayan married one Esther during the month of July 2012 at Karaipalayam Church, Karur. After the marriage of her brother, she was in contact with her brother for few months and thereafter, she missed her cell phone and therefore, she could not contact him. In the year 2013, one Rani, who is the sister of Esther, died. Hearing the news, the petitioner went to Karur to attend cremation. She could not find her brother Vijayan and therefore, enquired about her brother with Esther, but she could not get any information. For 9 years she was not able to get any information about her brother hence, suspecting that whether her brother is alive or not, she has approached the police, but they were not able to trace him. Hence, the present Habeas Corpus Petition is filed.



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2. Very reading of the affidavit clearly indicates that the petitioner herein, who know that her brother is not found in the known place even in the year of 2013 when Rani died, has not taken any efforts to give a complaint or trace her brother. After 9 years, she has given a complaint.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that though vague complaint has been given by the petitioner herein, the police made enquiry with the relatives of the Esther and they are not able to get any clue about the Esther or her husband Vijayan. He would further submits that the petitioner is not co-operating for enquiry and she has not given any particulars and photographs of the Esther and Vijayan to the police to conduct further investigation and the respondents are clueless due to non co-operation of the petitioner.

4. This Court taking note of the fact that the complaint regarding missing of Vijayan is filed after 9 years of the petitioner's brother missing without furnishing any particulars to identify and trace the said Vijayan, who is alleged to be missing since 2013. Therefore, this petition is disposed of with a direction to the



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petitioner to furnish the materials whatever in her possession to enable the Investigating Officer to conduct investigation and to trace the person, namely, Vijayan. No costs.

**[G.J.,J.] [S.M.,J.]**  
**07.12.2022**

Index : Yes / No  
Internet : Yes / No  
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To

1. Superintendent of Police,  
Karur.
2. The Inspector of Police,  
Vangal Police Station,  
Karur.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.G.JAYACHANDRAN,J.**  
**AND**  
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