



HCP(MD)No.2039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2022

CORAM

**THE HON'BLE MR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDAR MOHAN**

H.C.P.(MD)No.2039 of 2022

Athiveeran

.. Petitioner / Father of the
Detenu

Vs.

State rep by

1.The Superintendent of Police,
District Superintendent of Police Office,
Madurai District.

2.The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.437/2022)

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents herein to produce the body or person of the petitioner's son namely Ajithkumar, son of Aathiveeram, aged about 24 years, before this Court and set him at liberty.

For Petitioner :Mr.K.K.Maheshraja

For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

G.JAYACHANDRAN,J.
and
SUNDAR MOHAN,J.

This petition has been filed by the father of the detenu alleging that his son viz., Ajithkumar, who is aged about 24 years and serving in Indian Army at Ladak, came on 45 days leave during the month of May and after completion of his leave, he informed the family members that he is going to join duty. However, the petitioner has received the information from the Indian Army Headquarters at Ladak that his son, namely, Ajithkumar has not joined duty. Hence, the petitioner lodged a complaint at Melur Police Station, on 23.07.2022 in F.I.R.No.437 of 2022. After filing the said FIR, now the petitioner has approached this Court seeking writ of Habeas Corpus Petition to trace his son.

2.This Court, on perusing the FIR, finds that the petitioner has not even furnished the date on which his son missing and the date on which he returned back to join duty. Without any information the complaint has been given to the Melur Police Station expecting to trace his son.



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3. Since the complaint had already been filed and the police has taken cognizance, this Court is of the view that the Habeas Corpus Petition is not maintainable. It is expected that the respondent police pursue the complaint and take all steps to find the whereabouts of the detenu. The petitioner/complainant is also directed to furnish the necessary information about his son, so that, the respondent police can make proper investigation.

4. With the above direction, this Habeas Corpus Petition is closed.

(G.J.,J.) (S.M.,J.)
06.12.2022

Index: Yes/No

Internet: Yes/No

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To

1. The Superintendent of Police,
District Superintendent of Police Office,
Madurai District.

2. The Inspector of Police,
Melur Police Station,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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