



H.C.P.(MD) No.2046 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.2046 of 2022

Vimala

... Petitioner

-VS-

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

2.The Inspector of Police,
C3 Police Station,
S.S.Colony,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents to produce the petitioner's son, namely, Premkumar, aged about 25 years old or his body before this Court and set him at liberty based on the petitioner's complaint, dated 01.12.2022 within stipulated time frame fixed by this Court.



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

ORDER

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

The petitioner is the mother of the 25 years old Premkumar, who is the auto driver by profession. Alleging that her son went missing on 22.11.2022, the present Habeas Corpus Petition has been filed after lodging a complaint to the respondent police.

2. The learned Additional Public Prosecutor appearing for the respondents would submit that Mr.Premkumar, aged about 25 years, son of Mrs.Vimala, the petitioner herein, has illegal intimacy with neighbouring lady and earlier eloped with her. The petitioner herein gave a complaint to the police on 05.11.2022 reporting the missing of her son. The police registered the complaint in Cr.No. 2162 of 2022 and traced the said Premkumar and handed over to the petitioner. Again it appears that the said Premkumar has gone missing. This time, the



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petitioner, instead of approaching the police, has directly filed this petition for issuance of writ of Habeas Corpus.

3. The learned Additional Public Prosecutor further submits that the petitioner has sent a complaint through registered post and the same will be taken up for investigation and appropriate action will be taken. Since there is no material to infer that the son of the petitioner is in illegal custody, there is no necessity to entertain the writ of Habeas Corpus Petition.

4. This Court fully agree with the submission of the learned Additional Public Prosecutor. Hence, this petition is dismissed with a direction to the respondents to register the complaint received through registered post and take up the matter for investigation. No costs.

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

Index : Yes / No
Internet : Yes / No
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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