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H.C.P.No.30 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

H.C.P.No.30 of 2023

N.Ramasamy
S/o.Nalla Gounder

.. Petitioner /
Father of the detenu

Vs.

1. The Superintendent of Police
Namakkal
Namakkal District

2. The Inspector of Police
Ellachipalayam Police Station
Namakkal District

3. The Principal
Sri Vinayaga Matric Higher Secondary School
Mallasamudran Road
Vaiyappamalai
Namakkal – 637 410

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st and 2nd respondent

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police to produce the body or person of the petitioner's minor son, namely R.Sanjay aged 15 years before this Court and handover the custody of the missing minor boy to the petitioner.

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 09.01.2023, 15.02.2023 and 01.03.2023, which read as follows:

Proceedings made on 09.01.2023

'It is the case of the petitioner that his son Sanjay, aged about 15 years, is studying 10 th Standard in the 3 rd respondent school; since he was not studious, his teachers admonished him to study well. On his birthday viz., 30.10.2022, his parents were also called and they also advised him to study well. However, on 02.11.2022, he went missing. On a complaint given by the petitioner, a case in Ellachipalayam Police Station Crime No.158 of 2022 has been



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registered on 03.11.2022 for 'boy missing'. Under such circumstances, the present habeas corpus petition has been filed.

2. Today, Mr.K.Kulasekar (Mobile No.99423 53001), Inspector of Police, Ellachipalayam Police Station, Kallakurichi District, is present before this Court.

3. On instructions, the learned Additional Public Prosecutor submitted that the police are taking effective steps to secure the boy and special teams have also been formed.

4. We therefore direct the Deputy Superintendent of Police, Thiruchengode Sub-Division, Namakkal District, to supervise the investigation in Ellachipalayam Police Station Crime No.158 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Sanjay, aged about 15 years, is secured, he shall be produced before the Judicial Magistrate Court, Thiruchengode, Namakkal District, under intimation to the petitioner.

Post the matter for hearing on 06.02.2023.'

Proceedings made on 15.02.2023

'In the captioned matter, learned State Additional Public Prosecutor has placed before us a status report dated 06.02.2023 from the second respondent. Learned Additional Public Prosecutor submits that the investigation is underway and requests for two weeks time. Request acceded to.

List a fortnight hence. List on 01.03.2023.'



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Proceedings made on 01.03.2023

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 15.02.2023.

2.Additional status report has been filed along with typed set of papers. It is seen that a Special Team was formed and the respondent Police went to various places in Bangalore showing the photograph to various persons at important locations. Serious efforts have been made to secure the missing boy. Further, steps were taken to share the details and photograph of the missing boy with National Crime Record Bureau so that search for the boy can be made PAN India.

3.Learned Additional Public Prosecutor request for small accommodation to inform this Court about the stage of investigation.

4.List four weeks hence. List on 29.03.2023.'

3. Aforementioned earlier proceedings are telltale qua factual matrix of the matter and the trajectory the matter has taken thus far.

4. Today, Mr.E.C.Ramesh, learned counsel for petitioner, petitioner's spouse and learned Additional Public Prosecutor for Respondents 1 and 2 (official respondents) are before us. The son of the petitioner i.e., absentee, was produced before us. We had separate interactions with the absentee and the petitioner/petitioner's spouse. The absentee submitted that he left his parental home only owing to peer pressure in his educational institution and he now says that he wants to go back to his parental home i.e., he wants



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to go with the petitioner and his spouse (parents of the absentee). The petitioner and his spouse also said that they would take good care of the absentee and ensure that no unnecessary peer pressure is brought on the child. We are informed that the absentee is October 2008 born and the absentee is clearly a minor.

5. In the light of the narrative thus far, we do not deem it imperative to have the third respondent before us.

6. Captioned HCP is disposed of as closed recoding the trajectory the matter has taken thus far which is captured in the earlier proceedings and the proceedings made today.

(M.S.,J.)

(N.A.V.,J.)

20.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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M.SUNDAR, J.,
and
N.ANAND VENKATESH, J.,

gpa

To

1. The Superintendent of Police
Namakkal
Namakkal District
2. The Inspector of Police
Ellachipalayam Police Station
Namakkal District
3. The Public Prosecutor
High Court, Madras.

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