



H.C.P.No.413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

H.C.P.No.413 of 2023

Arjunasamy

.. Petitioner

Vs

1.The Superintendent of Police
Office of the Superintendent of Police,
Tiruppur.

2.The State Rep. By Inspector of Police,
Vellakovil Police Station,
Tiruppur.

3.Gayathiri

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus directing the second respondent to produce the petitioner minor son XXX aged (17 years and 8 months) before this Court from the custody of 3rd respondent and set him at liberty.

For Petitioner : Mr.M.Chinnadurai

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 and R2

Page Nos.1/5



H.C.P.No.413 of 2023

ORDER

[Order of the Court was made by **N.ANAND VENKATESH, J.,**]

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The father of the absentee (we are masking the name of the petitioner's son and we shall be referring to him as 'absentee' for the sake of convenience and for obvious reasons) has filed this habeas corpus petition.

2. The case of the petitioner is that his son went missing on 23.01.2023 and a complaint was given before the second respondent on 25.01.2023. On receipt of the same, the second respondent has also registered a 'boy missing' FIR in Crime No.44 of 2023. The grievance of the petitioner is that the second respondent has not taken any action and till date the boy has not been secured and hence this habeas corpus petition has been filed.

3. Today, Mr.N.Palanisamy, Special Sub Inspector of Police, Vellakovil Police Station, Tiruppur is present.

4. Learned Additional Public Prosecutor on instructions submitted that based on the FIR registered in the second respondent



H.C.P.No.413 of 2023

police station, the preliminary investigation reveals that the absentee is friendly with the third respondent and that steps are being taken to secure the absentee. Learned Additional Public Prosecutor further submitted that this is not a case of illegal detention.

5. In the considered view of this Court, the case on hand does not reflect any illegal detention and hence we are not inclined to entertain this habeas corpus petition. The second respondent shall proceed further with the investigation and as and when the absentee is secured, he shall be produced before the Judicial Magistrate, Kangeyam (We are informed that the Judicial Magistrate, Kangeyam is the jurisdictional Magistrate) and the learned Magistrate shall record the statement of the respective parties and take a decision in accordance with law.

6. The habeas corpus petition is disposed of in the above terms.

(M.S.,J.) (N.A.V.,J.)
21.03.2023

Index : Yes / No
Neutral Citation : Yes / No
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Page Nos.3/5



H.C.P.No.413 of 2023

To

WEB COPY

- 1.The Superintendent of Police
Office of the Superintendent of Police,
Tiruppur.
- 2.The Inspector of Police,
Vellakovil Police Station,
Tiruppur.
- 3.The Judicial Magistrate,
Kangeyam.
- 4.The Public Prosecutor,
High Court, Madras.



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H.C.P.No.413 of 2023

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

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H.C.P.No.413 of 2023

21.03.2023

Page Nos.5/5