



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.673 of 2023

B.Azhagesh

... Petitioner

Vs.

1. The Superintendent of Police
Kallakurichi District
2. The Inspector of Police
Kachirapalayam Police Station
Kallakurichi District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing respondents 1 and 2 to produce the person or body of the detenu i.e., the father of the petitioner namely S.Balasubramaniam, S/o.K.Shanmugam Chettiar, aged about 55 years before this Court and set him at liberty.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by Mr.M.Sylvester John



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ORDER

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

The petitioner, lodged a complaint with the second respondent on 20.03.2023 stating that his father, who was working as Grade III Lab Technician at Primary Health Centre, Eduthavoinatham, Kallakurichi District is missing. It is seen that the petitioner's father is a drunkard due to which there were some disputes in the family. The petitioner, his elder brother and his mother is residing at Vathalakundu Village, Dindugul District and his father used to visit them once in a month and he visited lastly on 26.11.2022 and thereafter he had not turned up and not contacted them.

2. While so, on 17.03.2023, a suspension letter of his father was received by the petitioner and when they attempted to call his father it is found that his mobile is switched off and on enquiry, they came to know that petitioner's father lastly attended work on 02.12.2022, on that day there was some dispute in the work place and thereafter he has not reported to duty. Hence, the petitioner lodged a complaint with the second respondent who registered an FIR in Crime No.110 of 2022 for 'Man Missing'. Since there was no action, the petitioner filed the present petition.

3. The learned counsel for the petitioner submits that petitioner's



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father's debit card was regularly used, monies were withdrawn from the ATMs in Rameshwaram, Madurai and lastly at Dindugul and now there is no balance in his account. The petitioner came to know that the petitioner's found near Palani, they went to Palani in search of him and when they attempted to give a complaint before the Palani police, the same was not entertained for the reason that already a complaint is pending with the second respondent.

4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepted notice on behalf of the respondents submits that the absentee is 55 years old and due to misunderstanding, the absentee was residing separately and once in a while he used to visit his family at Dindugul and lastly he visited on 26.11.2022. Learned Prosecutor submits that on enquiry it is found that petitioner's father picked up a quarrel with the doctors in the Primary Health Centre and a complaint was lodged against the petitioner's father by the doctors at Primary Health Centre, C.S.R.No.619 of 2022 was assigned and from 22.12.2022 he had not reported to duty. Learned Prosecutor on instructions submits that CDR details have been collected and as and when the petitioner's father is located, he will be produced before Judicial Magistrate I, Kallakurichi.



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5. Considering the submissions on both sides, this Court directs the second respondent to continue with the investigation, make all attempts to secure the petitioner's father and as and when he is secured, to produce before jurisdictional Magistrate with prior intimation to the petitioner.

Captioned Habeas Corpus Petition is disposed of with the above direction

(M.S.,J.) (M.N.K.,J.)
25.04.2023

Index : Yes/No
Speaking/No speaking order
Neutral Citation : Yes /No
gpa



To
WEB COPY

1. The Superintendent of Police
Kallakurichi District
2. The Inspector of Police
Kachirapalayam Police Station
Kallakurichi District
3. The Public Prosecutor
Madras High Court, Chennai



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and
M.NIRMAL KUMAR, J.,

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