



H.C.P.No.1089 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1089 of 2023

P.Raja
S/o.Perumal

.. Petitioner

Vs.

1. The Superintendent of Police
Ariyalur District
Ariyalur - 621 704.

2. The Sub-Inspector of Police
Keelapalur Police Station
Ariyalur - 621 707.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the body or person of the petitioner's father namely, P.Perumal, S/o.Periyannan, aged 75 years, before this Court and set him at liberty.

For Petitioner	:	Mr.Salai Varun
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

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ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, convenience and clarity].

2. The central theme of the captioned HCP is, petitioner's father one 'P.Perumal, aged 75 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 04.06.2022, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent police station), the same has been taken on record as Crime No.159 of 2022 dated 21.06.2022 on the file of second respondent police station (Keelapalur Police Station, Ariyalur-621 707) and the absentee has not been located as yet. Fearing faint possibility of illegal detention qua absentee, captioned HCP has been filed in this Court on 08.06.2023.

3. Issue notice.

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4. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents and submits on instructions (instructed by Mr.T.Sundaramoorthy, Sub-Inspector of Police, Keelapalur Police Station) that pursuant to the aforementioned complaint dated 21.06.2022 (Crime No.159 of 2022), investigation was kick started, a special team has been formed, a Special Sub-Inspector of Police is heading the team, investigation thus far does not show any trappings of illegal custody or unlawful detention and the jurisdictional police is hopeful of locating the absentee in four weeks from today i.e., by 24.07.2023. Learned Prosecutor submits that preliminary investigation also reveals that the absentee met with an accident in 2019 and appears to be of unstable mind but we are not expressing any view or opinion on the same in this order.

5. Let the investigation proceed in accordance with law uninfluenced by this HCP.

6. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the petitioner



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(absentee's son). The jurisdictional Magistrate to proceed in accordance with law when absentee is produced. We are informed that the jurisdictional Magistrate is Judicial Magistrate No.II, Ariyalur.

7. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner or anyone concerned for the absentee are preserved and left open for being raised in collateral or similar proceedings. Further we make it clear that it is open to the petitioner to come back to this Court not only with a similar but even same prayer if the need arises / if there are other developments. All the rights of all concerned are preserved.

8. Captioned HCP is disposed of with the aforementioned observations / directives. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

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Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Superintendent of Police
Ariyalur District
Ariyalur - 621 704.
2. The Sub-Inspector of Police
Keelapalur Police Station
Ariyalur - 621 707.
3. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

mk

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