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HCP.No.1908/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.1908/2023

Muthukumaran

... Petitioner

Vs.

1.The Superintendent of Police
Salem District.

2.The Inspector of Police
Nankavalli Police Station
Mettur Taluk, Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of habeas corpus to direct the 1st and 2nd respondents to produce the detenu namely Marimuthu, S/o.Vembugounder, aged 85 years, bodily or in person before this Court and set him at liberty.

For Petitioner

: Mr.K.Muthu

For Respondents

: Mr.E.Raj Thilak

Additional Public Prosecutor

ORDER



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

- (1) Invoking Article 226 of the Constitution of India, the petitioner has filed this petition, to cause production of the detenu Marimuthu, aged 85 years, his father, who is said to be missing from 24.05.2023.
- (2) Heard the learned counsel for the petitioner ; learned Additional Public Prosecutor appearing for the respondents.
- (3) In the affidavit filed in support of this petition, the petitioner has stated that his father who went to Varanasi, did not return back to home. It is his further case that he came to know that his father had huge amount with him. Therefore, he has suspected that somebody might have taken him to Varanasi. Except this fact, this Court is unable to get any clue from the affidavit.
- (4) However, the learned Additional Public Prosecutor states that a FIR has been registered for 'man missing' in Crime No.124/2023 by the Nangavalli Police Station and the petitioner is aware of the registration of the case.
- (5) On the basis of the complaint, the respondents have taken action to find



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out the whereabouts of the detenu. When the petitioner himself has stated that his father had gone to Varanasi, this Court is unable to find any lacuna or delay in taking any prompt action.

(6) In such circumstances, leaving it open to the petitioner to file a petition under Section 482 of Cr.P.C., for appropriate directions regarding further investigation, this Habeas Corpus Petition is closed as this Court is unable to find any reason to entertain this petition especially when there is no illegal detention of the detenu by anyone.

[S.S.S.R., J.] [S.M, J.]
05.10.2023

AP

Internet : Yes

To

1. The Superintendent of Police
Salem District.
2. The Inspector of Police
Nankavalli Police Station
Mettur Taluk, Salem District.
3. The Public Prosecutor,
High Court, Madras.

S.S. SUNDAR, J.,



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and
SUNDER MOHAN, J.,

AP

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