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HCP No.2549 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P. No.2549 of 2022

Srinivasan

... Petitioner

-VS-

1.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai – 600 016.

2.State rep. by
The Inspector of Police,
S-10 Pallikaranai Police Station,
Chennai – 600 100.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the second respondent Pallikarani Police to produce the petitioner's son S.Gokula Krishnan before this Court and set him at liberty.

For Petitioner .. Ms.N.Varuni

For Respondents .. Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and brevity] has been filed saying that the petitioner's son is missing. There is no dispute that the petitioner's son is aged 25 years and is a major. There is also no dispute that the petitioner's son was married to one Ilakkiya, D/o. Natarajan on 10.11.2021 and she is also a major. There appears to be some marital discord between the petitioner and his son. The petitioner who is the father himself has averred in paragraph 5 of support affidavit that he came to know that his son is having an affair with a girl. The petitioner's son left home on 02.08.2022 at 11.00 a.m. is petitioner's case. This is articulated in paragraph 5 of the HCP affidavit which reads as follows:

'5.I submit that my son was always in a confused state whenever he received phone calls from a particular number, and then I came to know that my son was having an affair with a girl, on 02.08.2022 at 11.00 a.m. my son left the home land switched off his mobile.'



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2.The petitioner has lodged a police complaint with the second respondent and FIR No.807 of 2022 was registered on 08.08.2022.

3.Learned State Additional Public Prosecutor appearing on behalf of both the respondents submits that investigation is under way and it is not a case of illegal detention.

4.Let the investigation takes its course. Suffice to say that this is not a case of illegal detention. Therefore, we find no reason to entertain a habeas corpus plea. To be noted Habeas Corpus is a high prerogative writ.

5.Recording the aforesaid stated position, captioned HCP is disposed of as closed. There shall be no order as to costs.

(M.S,J.) (M.N.K.,J.)
14.02.2023

Index: Yes/No
Neutral Citation : Yes/No
cse



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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To

1.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai – 600 016.

2.The Inspector of Police,
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