



HCP (MD)No.84 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP(MD).No.84 of 2023

V.Alagarasu

: Petitioner

Vs

1.The Superintendent of Police,
Tenkasi District

2.The Inspector of Police,
Uthumali Police Station,
Tenkasi District

: Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Habeas Corpus to direct the respondents to secure the person or body of the petitioner's mother namely Tmt.Shanmugavalli aged 58 years, W/o.Velsamy before this Court and set her at liberty.

For Petitioner : Mr.S.Kumar
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the son of one Shanmugavalli, who is claimed to be missing from 23.05.2022. A complaint given in this regard has been registered by the 2nd respondent in Crime No.84/2022 under 'woman missing' and was taken up for investigation. In this background, the present petition has been filed.

2.The learned Additional Public Prosecutor placed reliance on the status report filed by the 2nd respondent and submitted that after the complaint was given, they had printed pamphlets containing the detainee's photograph and was sent to the District Crime Record Bureau. The pamphlets were circulated in and around the district and pasted in the public places. They have also sent communication to the mobile service providers with regard to certain mobile numbers to which calls were received and made from the detainee's mobile number and awaiting the results. This apart, they have also formed a special team with the help of special Sub Inspectors for the purpose of this investigation. Look out notices with the photograph and look out



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missing notices were also circulated in and around Thanjavur. The 2nd respondent has also enquired about 82 witnesses and obtained statement from them with regard to the whereabouts of the detainee, which did not render effective information. In this background, it is submitted that they are in the process of investigation.

3.It is not the case of the petitioner that his mother is under the illegal custody of somebody. On the other hand, this is a case of woman missing. From the status report filed by the 2nd respondent, it is also seen that the police have taken certain efforts to trace the detainee and they are in the process of such investigation.

4. In this background, this Court, exercising its jurisdiction under Article 226 of the Constitution of India, may not be justified in issuing further direction to the respondents in a case where there is no illegal detention. However, the petitioner is at liberty to work out his remedy with regard to the investigation that is pending before the 2nd respondent.



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5. The Habeas Corpus Petition is closed with the above observation.

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[M.S.R.,J] [M.N.K.,J]
05.07.2023

Index : Yes / No
Internet : Yes
RR

To

1. The Superintendent of Police,
Tenkasi District
2. The Inspector of Police,
Uthumali Police Station,
Tenkasi District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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M.S. RAMESH, J.
AND
M.NIRMAL KUMAR, J.

RR

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