



WEB COPY



HCP(MD)No.412 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.412 of 2023

M.Bagyalakshmi

.. Petitioner/Mother of the Detenu

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's son namely “M.Sathiskumar”, S/o.Manikandan aged 27 years the detenu in the present case, before this Court and set him at liberty.



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For Petitioner : Mr.Joseph Jerry

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The present petition is filed for issuance of a writ of Habeas Corpus to produce the body or person of the petitioner's son, namely, M.Sathiskumar, S/o.Manikandan, aged about 27 years before this Court.

2. When the petitioner's son went missing from 27.12.2022, the mother had given a complaint on 28.12.2022, which was registered in Crime No.396/2022 as man missing.

3. When the respondent Police have already registered the petitioner's complaint and when there are no allegations that the petitioner's son is in the illegal custody of someone, this Court will not be justified in invoking Article 226 of the Constitution of India for issuance of writ of Habeas



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Corpus. The second respondent Police shall make endeavour to complete the investigation as expeditiously as possible. Since the petitioner's son is a major and is not in the illegal custody of someone, the present Habeas Corpus Petition is not maintainable. Accordingly, the Habeas Corpus Petition stands dismissed.

(M.S.R.,J.) (M.N.K.,J.)
14.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar 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.

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