



HCP(MD)No.539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM

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

H.C.P.(MD)No.539 of 2023

S.Jeyagowri

.. Petitioner / Mother of the Detenu

Vs.

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Theni,
Theni District.

3.The Inspector of Police,
Allinagaram Police Station,
Theni 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 detenu Harinath Gokul son of Jeya Gowri aged about 24 years before this Court and set him at liberty.

For Petitioner : Mr.P.Ganapathi Subramanian

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 present petition is filed for issuance of a writ of Habeas Corpus to produce the person or body of the petitioner's son, namely, Harinath Gokul, aged about 24 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her son, Harinath Gokul had gone in search of jobs to various places and thereafter, went missing from 28.02.2023 onwards. In this connection, the petitioner had also given a complaint before the third respondent Police on 28.02.2023, which was registered in Crime No.146/2023 as man missing case. The Habeas Corpus Petition is filed on the ground that there is no effective progress in the investigation after registration of the petitioner's complaint.

3. In the affidavit filed in support of the present Habeas Corpus Petition, apart from making a vague statement that the petitioner apprehends danger to the life of her son and fear that he may have been kidnapped or



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illegally detained, there is absolutely no other material to substantiate such a claim. A mere statement that the petitioner's son could be in illegal custody of somebody or may have been kidnapped, will not give rise to a cause of action for issuance of a writ of Habeas Corpus. However, the petitioner also has an effective alternate remedy, since the complaint is pending before the concerned Police Station and in case the petitioner is of the view that there is no effective progress in the investigation, it is always open to her to invoke Section 482 of Cr.P.C for necessary relief.

4. By taking note of the fact that the third respondent herein is investigating the petitioner's complaint and the same is pending and since the petitioner also has an effective alternate remedy, we are not inclined to consider the prayer sought for in the present Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed.

(M.S.R.,J.) (M.N.K.,J.)
31.07.2023

NCC : Yes / No
Index : Yes / No
Lm



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3. The Inspector of Police,
Allinagaram Police Station,
Theni District.
4. 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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