



H.C.P.(MD) No.542 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

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G.Sugunakumar

... Petitioner

-VS-

1.The Commissioner of Police,
O/o. Commissioner of Police,
Alagarkovil Road, Madurai.

2.The Inspector of Police,
K.Pudur Police Station,
Madurai-625 007.

... 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/detenué namely Muralidharan, son of G.Sugunakumar, aged about 32 years before this Court and set him at liberty.



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For Petitioner : Mr.V.Pandiyan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition has been filed by the petitioner seeking a direction to the respondents to produce his son Muralidharan, aged about 32 years, before this Court, handover his custody to him and set him at liberty.

2. Learned counsel for the petitioner would submit that the petitioner's son namely Muralidharan, aged about 32 years, is found missing from 21.12.2022 and he made a complaint to the respondent-Police on 04.01.2023. Even thereafter, the Law Enforcing Agency has not secured his son. Hence, he has filed this Habeas Corpus Petition.

3. A perusal of the papers shows that though the petitioner complained that his son is found missing from 21.12.2022, he has not made any allegation against anybody regarding illegal detention. When there is no



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specific allegation of illegal detention, Habeas Corpus Petition under Article 226 of the Constitution of India is not maintainable.

4. The Habeas Corpus Petition is, therefore, dismissed. However, the Law Enforcing Agency is directed to proceed further with the petitioner's complaint as 'man missing' case and complete the investigation within a period of twelve (12) weeks from the date of receipt of a copy of this order.

[M.D.I., J.] [R.V., J.]
04.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk / abr

To:

- 1.The Commissioner of Police,
O/o. Commissioner of Police,
Alagarkovil Road, Madurai.
- 2.The Inspector of Police,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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