



HCP(MD)No.630 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.630 of 2023

Sivabakkiam

.. Petitioner / mother of
the detenu

Vs.

- 1.The Government of Tamil Nadu
rep. by Secretary to Government
Home department Fort St. George,
Chennai 600 009.
- 2.The Director General of Police,
Tamil Nadu Police Department
Mylapore, Chennai.
- 3.The District Collector
Dindigul District, Dindigul
- 4.The Superintendent of Police
O/o. the District Superintendent of Police
Dindigul District, Dindigul
- 5.The Inspector of Police,
Guziliamparai Police Station, Dindigul District



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6.Muthumanickam

7.Solaimani @ Manikandan

8.Murali

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents herein to produce the body or person of the petitioner's son namely Narayanan, S/o.Palanisamy 22 years before this Court and set him at liberty.

For Petitioner : Mr.M.Raja Ravi Varma

For Respondents : Mr.A.Thiruvadikumar for R1
to R5
Additional Public Prosecutor
Mr.M.Mohamed Rafi for R6
to R8

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus petition has been filed directing the respondents herein to produce the body or person of the petitioner's son namely Narayanan, S/o.Palanisamy 22 years before this Court and set him at liberty.



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2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondents 1 to 5 and the learned counsel for the respondents 6 to 8.

3. The learned Additional Public Prosecutor, based on the instructions given by the official respondents, would contend that the detenu along with the respondents 6 to 8 jointly involved in some business in selling plastic items in Maharashtra and after some time, according to the private respondents, the detenu, after taking a sum of Rs.2 lakhs, had left the business place and in this regard, the private respondents had preferred a complaint to the local police at Maharashtra and those details have been furnished now to the respondent police, based on which, the learned Additional Public Prosecutor submitted that in respect of the complaint given by the private respondents in Pipalnar police station, a case of man missing has been registered on 18.05.2023 in Crime No.31/2023. Therefore, that complaint has to be persuaded both by the complainants ie., the private respondents as well as the petitioner. In this context, since the jurisdiction is vest with the said police, where already a complaint has been given, question of producing the detenu as alleged by the petitioner by the



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respondent police does not arise, he contended.

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4.The private respondents are also present before this Court and they endorsed the said submission made by the learned Additional Public Prosecutor and the private respondents also represented by their counsel, who would also made similar submissions.

5.We have considered all these aspects and since the detenu had been the business partner of the private respondents and were doing business in Maharashtra, where, according to the private respondents, who were the partners of the detenu, the detenu, after taking some money had left the place and thereafter it seems that he has not come back to the petitioner's place. In this context, a police complaint had also been made in the local police station in Maharashtra and since it is pending, it could be persuaded and based on which, let it be permitted to reach its logical conclusion in accordance with law. Therefore, question of bringing the body of the detenu as claimed by the petitioner in this habeas corpus petition by the respondent police does not arise.



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6. Recording the afore-stated, we feel that this petition can be closed.

Accordingly, this Habeas Corpus Petition is closed. We made it clear that it is open to the petitioner to proceed with the complaint already registered at local police station at Maharashtra as stated supra in accordance with law.

(R.S.K.,J.) (K.K.R.K.,J.)
01.06.2023

Index : Yes/No

Internet : Yes

RR

To

1. The Secretary to Government
Home department
Fort St. George, Chennai 600 009.
2. The Director General of Police,
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3. The District Collector
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4. The Superintendent of Police
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5. The Inspector of Police,
Guziliamparai Police Station, Dindigul District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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