



HCP(MD)No.2008 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.09.2023

CORAM

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

H.C.P.(MD)No.2008 of 2022

M.Mariappan

.. Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District

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

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the person or body of the detenu, ie., the son of the petitioner namely Madasamy S/o.Mariappan aged about 26 years before this Court and set him at liberty.

For Petitioner : Mr.S.Packiya Muthu

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

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

The petitioner is the father of one Madasamy aged about 26 years. According to him, his son had gone missing from 17.10.2022/18.10.2022 and they had also given a complaint to the 2nd respondent police, which was registered in Crime No.212/2022 under the caption, 'man missing'. In this background, the present Habeas Corpus Petition has been filed.

2.The learned Additional Public Prosecutor, on instructions, submitted that incidentally they had recovered an unidentified male body in a decomposed stage and on the basis of the complaint of the Village Administrative Officer, a case was registered in Crime No.76/2023 under Section 174 Cr.P.C., on 04.06.2023. Suspecting that the remains of the unidentified body could be that of the petitioner's son, they had sent the sample of the remains, namely, femur bone, blood samples and teeth to the forensic Laboratory, Madurai for DNA Test as well as to the Forensic Laboratory at Chennai for superimposition. The learned Additional Public Prosecutor had produced a copy of the report of the Regional Forensic



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Sciences Laboratory, Madurai in T.Nos.5413, 5609 and 5621/MDU/DNA/152,230& 236/2023 dated 24.08.2023.

3. The said reports disclosed that the DNA extracts from each of the blood samples taken from the petitioner and his wife had matched and the forensic laboratory had come to the conclusion that the sample belongs to the biological son of Mariappan/petitioner herein and his wife Ramalakshmi. A copy of the report has also been supplied to the learned counsel for the petitioner.

4. In view of the above developments and the reports of the forensic laboratory disclosing that the remains of the unidentified body belongs to the petitioner's biological son, no effective orders can be passed in the present petition. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
07.09.2023

NCC :Yes / No
Internet : Yes
RR



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- 2.The Inspector of Police,
Ilathur 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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