



HCP(MD)No.1325 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1325 of 2023

Alagupandi

: Petitioner

Vs.

1.The Superintendent of Police,
Karur District.

2.The Inspector of Police,
Velayuthamapalayam Police Station,
Karur District.

3.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

4.Muniswari

5.Manimalar

6.Salman Fariz

: Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents police to produce the person or body of the petitioner's son namely Manimuth, S/o.Alagupandi, aged 35 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.M.Manivel Pandian

For Respondents : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 30.10.2023.

2. Factual matrix in a nutshell is that the petitioner is concerned for his son 'Manimuthu, aged 35 years' [hereinafter 'absentee' for the sake of convenience and clarity]; that absentee is married to fifth respondent, who is none other than petitioner's granddaughter and absentee's niece [elder



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sister's daughter]; that absentee's spouse has been arrayed as fifth respondent; that there are two children, aged 4 years and 1 ½ years from this wedlock; that these two children are now with the fourth respondent [to be noted, fourth respondent is none other than the petitioner's daughter and mother-in-law of absentee]; that the burden of the song in this regard qua support affidavit is fifth respondent is friendly with sixth respondent, fourth respondent intervened and that has led to the present scenario [we refrain from expressing any opinion on this averment]; that there were two police complaints, one on the file of third respondent [Vilathikulam Police Station in Thoothukudi District] vide FIR No.181 of 2023, dated 09.10.2023; that the second complaint by the fourth respondent is before the second respondent viz., Velayuthampalayam Police Station leading to FIR No.445 of 2023, dated 03.10.2023.

3. Issue notice to official respondents. Mr.R.Meenakshi Sundaram, learned Stated Additional Public Prosecutor accepts notice for respondents 1 to 3 [official respondents] and he is instructed by Mr.G.Ramesh, Sub-Inspector of Police, Velayuthampalayam Police Station and Mr.Murugesan, Sub-Inspector of Police, Vilathikulam Police Station].



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4. Learned State Additional Public Prosecutor submitted that the complaint on the file of third respondent has been closed saying 'further action dropped'.

5. As regards the complaint on the file of second respondent, investigation is underway and it is submitted that preliminary investigation reveals that there are no trapping of illegal detention or unlawful custody at the moment.

6. Be that as it may, as investigation is underway considering the facts and circumstances of the case, nature of the matter and relationship between the parties, we deem it appropriate to dispose of the captioned HCP by making the following order:

(i) Let the investigation pursuant to FIR No.445 of 2023, dated 03.10.2023 on the file of second respondent proceed in accordance with law;



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(ii) on the absentee (petitioner's son Manimuthu) aged 35 years being located, let the absentee be produced before the jurisdictional Magistrate [we are informed that jurisdictional Magistrate is Judicial Magistrate – II, Karur]

(iii) Learned Additional Public Prosecutor, on instructions, submitted that nine [9] weeks from today ie., 04.01.2024 would be a realistic time frame qua aforementioned investigation; and

(iv) On the absentee being produced, we request the jurisdictional Judicial Magistrate to record the statement of the absentee and or any other person concerned with the matter.

7. Captioned HCP is disposed of with the above mentioned directives and observations albeit preserving all the rights and contentions of the petitioner to come back to this Court with a suitable petition with the



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similar/same prayer depending on the trajectory the matter takes and what unfurls when the matter progresses ie., if a different scenario emerges.

8. Captioned HCP is disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

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Neutral Citation : Yes/No
Index : Yes/No
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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