



HCP.No.2286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

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

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2286 of 2023

J.M.Vijay

.. Petitioner / next friend of the detenue

Vs.

1.The Commissioner of Police-Chennai,
Office of the Commissioner of Police,
132, E VK Sampath Road,
Vepery, Chennai-600 007.

2.The Inspector of Police,
E1 Mylapore Police Station,
Chennai-600 004.

3.S.Ravikumar

4.The Inspector of Police,
T6 Avadi Police Station,
Avadi,
Chennai-600 054
(R4 impleaded as per order dated 18.12.2023



HCP.No.2286 of 2023

in Crl.M.P.No.19622/2023 in H.C.P.No.2286/2023)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of one Mr.M.Sundaram, son of Moorthy, aged about 37 years, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Abubacker Sidhig

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by
Mr.C.Aravind
for R1, R2 and R4

Ms.R.Chitradevi for R3

ORDER

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

When the petitioner's next friend, namely, M.Sundaram, son of Moorthy, aged about 37 years, went missing from 14.10.2023, he had lodged a complaint through online on 24.10.2023 before the first respondent police. Since the petitioner's friend could not be traced within a reasonable



HCP.No.2286 of 2023

time, he has filed the present Habeas Corpus Petition.

WEB COPY

2. Today, when the matter was called, the learned Additional Public Prosecutor submitted that the petitioner's online complaint dated 24.10.2023 in Complaint Ref No.RRV23210439 is under investigation by the fourth respondent.

3. Admittedly, this a case of man missing and even the petitioner has not alleged of any illegal detention of the missing man. While that being so, this Court in exercise of its powers under Article 226 of the Constitution of India will not venture to issue a Writ in the nature of Habeas Corpus to secure a person who is not under illegal detention. However, if the fourth respondent is directed to expedite the investigation on the petitioner's complaint and file a final report, the ends of justice could be secured.

4. Accordingly, the prayer sought for in the present Habeas Corpus petition stands rejected. However, there shall be a direction to the fourth



HCP.No.2286 of 2023

respondent herein to expedite the investigation on the petitioner's online complaint, dated 24.10.2023 and file a final report as expeditiously as possible.

5. In view of the above direction, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (S.M.,J.)
25.03.2024

NCC : Yes / No
Index : Yes / No
Anu

To

1.The Commissioner of Police-Chennai,
Office of the Commissioner of Police,
132, E VK Sampath Road,
Vepery, Chennai-600 007.

2.The Inspector of Police,
E1 Mylapore Police Station,
Chennai-600 004.

3.The Inspector of Police,
T6 Avadi Police Station,

Page 4 of 6



HCP.No.2286 of 2023

Avadi,
Chennai-600 054

WEB COPY

4.The Public Prosecutor,
Madras High Court



WEB COPY



HCP.No.2286 of 2023

M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Anu

H.C.P.No.2286 of 2023

25.03.2024