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H.C.P.No.2540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2540 of 2023

K. Amutha

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, directing the respondents herein to produce the victim Mr.Vignesh, S/o.Krishnamurthy (aged about 30 years) before this Court and set the victim Mr.Vignesh, S/o.Krishnamurthy (aged about 30 years) at liberty.

For Petitioner : Mr.S. Madhusudanan

For Respondents : Mr.E. Raj Thilak,
Additional Public Prosecutor



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ORDER

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

When the petitioner's son Vignesh, aged about 30 years, went missing from her house on 01.04.2023, she claims to have given a complaint on 03.04.2023 before the respondent/Police and since her son could not be traced within the reasonable time, the present Habeas Corpus Petition has been filed.

2. The averments made in the affidavit filed by the petitioner in support of this petition, does not reveal or indicate that her son is in the illegal custody of any person. On the other hand, the averments would indicate that the petitioner's son is married to one Durga and through her, he also has a child.

3. If that be so, this Court, exercising its powers under Article 226 of the Constitution of India, would not venture to secure the petitioner's son, who admittedly is not under the illegal custody.



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4. At this juncture, the learned Additional Public Prosecutor submitted that they have received the petitioner's complaint and they are in the process of initiating action in the same.

5. In this background, the petitioner is granted liberty to pursue her remedy by following up the complaint which is pending before the respondent/Police. The respondents are also called upon to furnish all the particulars in details, pertaining to the location of the petitioner's son to the petitioner.

6. With the above directions, this Habeas Corpus Petition stands closed. No costs.

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

03.01.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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

Sni

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

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