



HCP(MD)No.6 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.6 of 2024

V.Erulandi

... Petitioner/father of the detenue

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to secure and produce the body or person of the detenue named E.Masanam, S/o.Erulandi, aged about 19 years, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.G.S.Senthil Kumar



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For Respondents : Mr.RMS.Sethuraman,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by **K.K.RAMAKRISHNAN, J.**)

This Habeas Corpus Petition has been filed by the petitioner seeking for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to secure and produce the body or person of the detenu by name E.Masanam, S/o.Erulandi, aged about 19 years, before this Hon'ble Court and set him at liberty

2. The petitioner is the father of the detenu. According to the petitioner, his son is missing from 14.12.2023. Hence, he gave a complaint before the second respondent police on 30.12.2023. Since there was no action, he has iled this Habeas Corpus Petition.

3. Today, when the matter came up for admission, the learned Additional Public Prosecutor, on instructions from Mrs.L.Mathanakala, Inspector of Police, Peraiyur Police Station, who is present before this Court, submitted that the son of the petitioner is



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a habitual offender and he has involved in 23 cases and he was released on statutory bail on 11.12.2023 on condition to appear before the second respondent police. However, after came out on bail, the detenu has not appeared either before the respondent police or before the learned Judicial Magistrate concerned and he has not complied with the condition imposed by the Court below.

4. In view of the said submissions, it is seen that without disclosing the above said facts, the petitioner has filed this Habeas Corpus Petition. The Hon'ble Supreme Court has repeatedly held that the duty of the writ petitioner is to disclose the entire facts before the Court to exercise the jurisdiction under Article 226 of the Constitution of India. However, in the present case, the detenu has involved in 23 cases and the said fact has not been disclosed by the petitioner, which is a clear abuse of process of law.

Hence, this Habeas Corpus Petition is dismissed.

[J.N.B.,J.] & [K.K.R.K.,J.]

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Index :Yes/No

NCC :Yes/No



- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
AND
K.K.RAMAKRISHNAN, J.

pm

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