



H.C.P.(MD) No.698 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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E.Erulappan

... Petitioner

-VS-

1.The Superintendent of Police
Theni District
Theni

2.The Inspector of Police
Chinnamanur Police Station
Theni District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the detainee Balamurugan, son of Erulappan, aged about 52 years, before this Court and set him at liberty.



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For Petitioner : No appearance

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure his son, namely, Balamurugan, aged about 52 years, produce him before this Court and set him at liberty.

2. It is the case of the petitioner that his son / detenu got married with one Sudhadevi in the year 2000 and after their marriage, they were residing in Chinnamanur, Theni District. He was running a Bakery Shop. There was a matrimonial dispute between the detenu and his wife and his wife filed H.M.O.P.No.66 of 2024 seeking divorce before the Sub Court, Uthamapalayam, and the same is pending. In such circumstances, the petitioner's son is missing from 04.06.2024. Though he searched for his son, he could not find out the whereabouts of his son. Hence, the petitioner lodged a complaint before the respondent – Police. However, the respondent has not



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any steps to trace the petitioner's son. Hence, this habeas corpus petition.

3. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the the detenu is an alcoholic and he has been admitted in Aura Deaddiction – Psychiatric Treatment Centre, Theni, for treatment. The Psychiatrist / Medical Officer has also given a certificate, dated 04.06.2024, stating that the detenu is having symptoms of withdrawal tremors / anxiety / insomnia / confusion / vomiting. When the respondent – Police enquired about the detenu at the Centre, the detenu was very much available in the Centre and he is not in illegal detention of anybody. The petitioner is also aware of the said factum and he had also met his son in the Centre on 02.06.2024 and 03.06.2024.

4. In view of the above facts, we are of the view that the detenu is not in illegal detention of anybody and hence, no further adjudication is required in this habeas corpus petition.



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5. Accordingly, the habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]

26.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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



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AND
K.RAJASEKAR, J.

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