



H.C.P.(MD) No.804 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

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

H.C.P.(MD) No.804 of 2024

J.G.Visvanathan

... Petitioner

-VS-

1.The Superintendent of Police
Office of the Superintendent of Police
Ramanathapuram

2.The Deputy Superintendent of Police
Paramakudi Division
Ramanathapuram District

3.The Inspector of Police
Emeneshwaram Police Station
Paramakudi, Ramanathapuram

... 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 brother by name J.G.Nagarajan, son of J.K.Gengadharan, aged about 33 years old, before this Court and set him at liberty in accordance with law, within the time stipulated by this Court.



WEB COPY

H.C.P.(MD) No.804 of 2024

For Petitioner : Ms.M.Manimegalai

For Respondents : Mr.R.Meenakshi Sundaram
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 elder brother, namely, J.G.Nagarajan, aged about 33 years, produce him before this Court and set him at liberty.

2. It is the case of the petitioner that his elder brother J.G.Nagarajan and his wife Padmavathi were residing in his house at Paramakudi and they were running a Water Washing Station and Fast Food Shop in the name of Wood Smookey Kitchen. During the course of the said business, his elder brother had availed loans from several private persons. It is the further case of the petitioner that for the past five years, his elder brother had availed loans from App based loan providers, for which, after giving consent to access location, contacts, photos and other datas, he had installed the loan providers App in his mobile. His elder brother was regularly



H.C.P.(MD) No.804 of 2024

WEB COPY

repaying the monthly instalments. However, due to hike in the interest, his elder brother was unable to pay the EMI amount in time, thereby, he had started to avail loans from the private loan providers in Paramakudi Region. At one point of time, he could not manage both, thereby, on 20.01.2024, the petitioner's elder brother had left a letter at home stating that he is going to commit suicide due to the loans and other pressures and went out of the house. The petitioner's sister-in-law Padmavathi had given a complaint stating about the predicament of her husband and based on the complaint given by her, a case in Crime No.8 of 2024 was registered by the third respondent – Police for man missing. Subsequently, the petitioner's sister-in-law had also left the home and gone to her parental home. Since the respondent – Police have not taken any effective steps to track the missing person, his younger brother has filed this habeas corpus petition.

3. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, who takes notice for the respondent – Police, on instructions, would submit that the petitioner is the younger brother of the alleged missing person. As per the complaint given by the wife of the alleged missing person, he was running a business and he had borrowed money from several persons, including App based loan providers. Further, the alleged missing person has



H.C.P.(MD) No.804 of 2024

also given his details to the online scammers and they had threatened him and thereby, he had left the home on 20.01.2024. Later, the alleged missing person's wife, due to the pressures given by the persons, who had lent money, had also gone and settled along with her mother. Based on the complaint given by the wife of the alleged missing person, the respondent – Police are continuing with the investigation and as and when the detenu is secured or his whereabouts is located, the same will be intimated to the petitioner.

4. In view of the above submission of the learned Additional Public Prosecutor, this habeas corpus petition is closed with a direction to the respondent – Police to continue with the investigation in accordance with law and as and when the detenu is secured or his whereabouts is identified, the same shall be intimated to the petitioner forthwith.

[A.D.J.C., J.]

[K.R.S., J.]

08.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

Page 4 of 6



H.C.P.(MD) No.804 of 2024

WEB COPY

To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Emeneshwaram Police Station,
Paramakudi, Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.804 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

krk

H.C.P.(MD) No.804 of 2024

08.07.2024