



H.C.P.(MD) No.954 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM:

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

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Pooranam

... Petitioner

-VS-

1. The Superintendent of Police
Madurai District, Madurai

2. The Inspector of Police
Elumalai Police Station
Madurai District

3.Jeyapal

4.Natchimuthur

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent to produce the person or body of the petitioner's son namely Kaleeswaran, S/o. Thangam aged 45 years before this Court and set him at liberty.



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For Petitioner

:Mr.C.Ramesh

For R1 & R2

:Mr.R. Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the mother of the detenu seeking to produce the alleged detenu namely Kaleeswaran, son of Thangam, aged 45 years, before this Court and set him at liberty.

2. The case of the petitioner is that she is a Senior Citizen. Her son Kaleeswaran, who had gone to Madurai on 24.07.2024, did not return back to home. While so, on 28.07.2024 she received a phone call from her son and her son had told her that he had borrowed a sum of Rs.21,00,000/- on various dates from the respondents 3 & 4 for his business and that he was unable to return back the money and that they had abducted him from Madurai Mattuthavani Bus Stand illegally and detained him at their house situated at Uthapuram, Peraiyur Taluk. It is the further case that her son had also informed that the third and fourth respondents were demanding Rs.6 crores for releasing him, subsequently, her son's phone was also switched off. Apprehending danger to his life, the petitioner



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had approached the second respondent and had given a complaint seeking to secure her son and hand over the custody of her son to the petitioner. Since the second respondent had not taken any steps to secure her son, she has filed the present habeas corpus petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the complaint given by the petitioner was taken up for enquiry in C.S.R.No.316 of 2024 by the second respondent. Mr.S.Subbaiah, the Inspector of Police, Elumalai Police Station and he had issued summons to the respondents 3 & 4 and they had appeared before the second respondent police along with detenu and when the second respondent enquired them the missing person/detenu had informed that the respondents 3 & 4 are his friends and that he had gone along with them and that he was not abducted by anybody and that he was not in illegal detention. Statement was also obtained from the respondents 3 & 4 and they have also stated that they have not abducted the petitioner's son and after enquiry, they were let off. The photograph taken at the time of enquiry is also produced by the learned Additional Public Prosecutor. He would further submit that the alleged detenu Kaleeswaran is produced before the Court today.



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4. We enquired the missing person. He submitted that he had on behalf of one Ayyammal had borrowed a sum of Rs.21,00,000/- from the respondents 3 & 4 and the said Ayyammal had not returned the amount to the respondents 3 & 4 and hence, the respondents 3 & 4 had asked him and Ayyammal to come for a meeting to Madurai and both of them arrived at Mattuthavani bus stand on 24.07.2024, the respondents 3 & 4 have abducted them and taken them to the house of Jeyapaul the third respondent and both of them were kept under illegal detention and their mobile phone were snatched. On 28.07.2024, they had handed over the cell phone to the detenu to make the call to his mother and demanded a sum of Rs.6 crores for releasing him and thereafter, they have taken the phone back. He would further submit that subsequently the second respondent had summoned the respondents 3 & 4 and they had taken him along with them to the police station under threat not to disclose anything about the illegal detention of himself and Ayyammal. Fearing threat to his life and the life of Ayyammal, who is also kept in illegal detention, he had not disclosed the same to the second respondent and he had given a statement as if he had voluntarily gone along with them and after enquiry he was



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sent along with the respondents 3 and 4. He would further submit that he is still under threat of the respondents 3 and 4 who have also followed him to the High Court today.

5. We have also seen the photographs produced by the learned Additional Public Prosecutor. We are shocked to see the manner in which the enquiry had been conducted. Serious allegations of abduction/illegal detention for non-payment of money is made by the petitioner against the respondents 3 & 4. The second respondent police had enquired the detenu by keeping the respondents 3 & 4 seated behind the detenu in the same room.

6. We could only say that all is not well. It is a serious case of abduction and illegal confinement demanding exorbitant amount of Rs.6 crores for releasing the detenu. The second respondent without even enquiring the complainant had sent the detenu along with the respondents 3 and 4 against whom the allegations are made. We *prima facie* find that a shoddy investigation has been conducted by the second respondent which we highly deprecate and thereby, we direct the first respondent to transfer the investigation to a competent



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officer and further direct the first respondent to take immediate steps to secure the other detenu Ayyammal, who is said to be in illegal detention of the respondent 3 & 4. The first respondent shall monitor the investigation.

7. Post the matter on 09.08.2024 for filing status report.

[A.D.J.C., J.] [K.R.S., J.]
02.08.2024

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

1. The Superintendent of Police
Madurai District, Madurai
2. The Inspector of Police
Elumalai Police Station
Madurai District



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

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

During post lunch session mentioning was made by the learned Additional Public Prosecutor and thereupon, the case was taken up once again.

2. Mr.B.K.Aravindhan, Superintendent of Police, Madurai District was present before us and ensured that due enquiry will be conducted and necessary action will be taken in this regard.

3. Recording the same, this Habeas Corpus Petition stands closed.

[A.D.J.C., J.] [K.R.S., J.]
02.08.2024

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