



H.C.P(MD)No.990 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.990 of 2024

Lakshmanan

...Petitioner /Son of the detenu

Vs.

1.The Superintendent of Police,
Ramanathapuram.

2.The Inspector of Police,
Rameshwaram Town Women Police Station,
Ramanathapuram.

3.K.Palani

4.Maheshwari

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body or person of the petitioner's mother/detenu, by name Pushpam, W/o.Murugesan, aged about 87 years, before this Court and set him at liberty.



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For Petitioner : Mr.B.Mahendrarajan

For Respondents : Mr.T.Senthil Kumar – for R1 & R2

Additional Public Prosecutor

Mr.M.Ponniah – for R3 & R4

ORDER

The Habeas Corpus Petition has been filed by a son complaining that his mother Pushpam, aged about 87 years had been missing on and from 13.08.2023 from her natural place of resident at Ramanathapuram.

2. The lady Pushpam had three sons and two daughters. One daughter and two sons are alive today. One of the daughter is the 4th respondent and her husband is the 3rd respondent. Another daughter had died and one of the sons had also died. The deceased son's widow/daughter-in-law has been residing along with the lady Pushpam/her mother-in-law.

3. It is contended that there were properties and disputes naturally arose with respect to division of the properties. One of the properties had been settled in favour of the 4th respondent and her son.



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Subsequently, that particular settlement had been cancelled. Questioning such cancellation, the 4th respondent had filed a civil suit in the year 2015 and had obtained an ex parte decree.

4. Later in the year 2021, a Revision Petition has been filed among others also by the lady Pushpam, questioning such ex parte decree. A condone delay application was filed and the same had been allowed on 08.04.2024, recording payment of costs which had been imposed. If the lady had paid costs on 08.04.2024, then the entire issue that she had been missing would not be a correct information supplied to the Court. There appears to be disputes among the parties and among the advocates, all relating to the property.

5. We are also informed that originally the second respondent, Rameshwaram Town Police Station had only registered a CSR on the basis of the complaint but now it is informed by the learned Additional Public Prosecutor that the entire issue had been taken control by the Deputy Superintendent of Police and that FIR in Crime No.185 of 2024 had been registered under the caption 'Woman Missing' and that efforts are being taken to find out the details about the detenu.



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6. A status report had been filed and it is stated that all the old age homes and Psychiatric Hospitals in Kanchipuram, Ramanathapuram, Chennai and Keelakarai had been checked. They have also checked CCTNS portal and compared the unidentified dead bodies with the missing woman photo. They have also collected the call details records. They have also issued notice with the photo of the missing woman and had circulated the same in the public covering places. They have also effected advertisement in the local TV channel. They have also enquired 25 witnesses. They have also given the names of four (4) separate individuals whom they suspect to be the reason for disappearance of the lady, Pushpam. Special teams had also been sent to Ramanathapuram, Kancheepuram and Keelakarai area for enquiries. The copy of the FIR had also been produced in Court.

7. On the previous hearing date, noting that only a CSR had been registered, we directed the presence of the Inspector of Police, Rameshwaram Town Police Station and Sub Inspector of Police to be present in Court.



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8. Both the Inspector of Police and Sub Inspector of Police are present in Court. The Deputy Superintendent of Police, who is now monitoring the investigation is also present in Court.

9. We would direct them to proceed further with the FIR but keeping the Habeas Corpus Petition pending would be of no avail in view of the disputes among the parties and since nobody has coming forward with the correct details. If any further details are known it could be shared with the respondent Police and we are confident that they will take necessary steps to secure the missing person.

10. Accordingly, the Habeas Corpus Petition stands closed giving that particular opportunity to the petitioner herein to share further details as and when further details are obtained by them.

(C.V.K., J.) (R.P., J.)
21.10.2024

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



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Ramanathapuram.
- 2.The Inspector of Police,
Rameshwaram Town Women Police Station,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
R.POORNIMA, J.

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ORDER MADE IN
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