



H.C.P(MD)No.1140 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Ms.JUSTICE R.POORNIMA**

H.C.P.(MD) No.1140 of 2024

I.Kamarudeen

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Thanjavur, Thanjavur District.

* 2.The Superintendent of Police
Tiruppur district.

3.The Inspector of Police (Law and Order),
Taluk Police Station, Kumbakonam,
Thanjavur district.

* 4.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

*5.The Inspector of Police
Avinashi police station.

*6.T.Muruganantham

*7.Latha



H.C.P(MD)No.1140 of 2024

(*R2 and R5 to R7 are suo-motu impleaded and ranks are rearranged ss per order of the Court, dated 24.09.2024 and R4 is suo-motu impleaded as per order of the Court, dated 11.09.2024)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the person or body of the petitioner's son viz Saifullah, S/o.I.Kamarudeen.

For Petitioner : Mr. R.Venkatesan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

This Habeas Corpus Petition has been filed by the father of a boy, who has attained the age of majority and was studying in Annai Polytechnic Collge, Kovilacheri, Kumabonam, consequent to which, a complaint had been lodged before the Taluk Police Station at Kumbakonam, wherein, FIR in Cr.No.390 of 2024 had been registered on 11.07.2024 under the caption 'Man Missing'.

2.The petitioner, I.Kamarudeen, S/o.Ismath Basha, No. 6/1566/1, Chathiram Karuppur Main Road, Poompuhar Salai, Kumbakonam – 612 501, Thanjavur District has filed an undertaking affidavit, wherein, he had stated as follows:



H.C.P(MD)No.1140 of 2024

“I submit that I will always found of my child welfare and happiness. I hereby undertake that myself and my family members will not interfere in their happiness. I have filed the above petition to know the whereabouts of my son.

It is therefore prayed that this Hon'ble Court may be pleased to record my submission that I will not interfere in the life of my son in any manner in future and pass such further or other orders....”

3. Similarly, the parents of the girl/6th & 7th respondents have also filed independent affidavits and they had stated as follows:

“I hereby this affidavit to undertake that I would not cause any physical or other harm to my daughter namely Sabri Ananthi and the detenu Saifullah. Kindly accept my undertaking affidavit.”

“I hereby this affidavit to undertake that I would not cause any physical or other harm to my daughter namely Sabri Ananthi and the detenu Saifullah. Kindly accept my undertaking affidavit.”

4. We had enquired with the two children.



H.C.P(MD)No.1140 of 2024

WEB COPY

5.The learned counsel for the petitioner stated that since undertaking is required by this Court, undertaking of the petitioner is filed. But we had enquired with the petitioner and also his wife. It had been very categorically stated by the mother of the boy that immediately they are not in a position to accept the girl, since they have also daughters of marriageable age.

6.We understand that situation and it is for that reason we called upon them to file an undertaking affidavit. Even though affidavits have been filed we are of the opinion that we want to sensitize the issue and they should maintain a safe distance from their own son/daughter. They must appear before the Taluk Police Station, Kumbakonam wherein FIR in Cr.No.390 of 2024 had been registered and also before the Thiruvaiyaru Police Station, wherein, FIR in Cr.No.378 of 2024 had been registered and give similar affidavit that they would not cause any harm to either of their children.

7.The boy has not yet crossed 21 years, the legally marriageable age. He stated that he would continue to reside at Tirupur. The girl is handed over to her parents.



H.C.P(MD)No.1140 of 2024

WEB COPY

8.The Inspectors of Police of the respective Police Station shall get an undertaking affidavit on or before 15.10.2024. If the undertakings are not given within the stipulated time, the matter can be listed at the instance of learned Additional Public Prosecutor.

9.No further orders are required. Accordingly, this Habeas Corpus Petition stands closed.

(C.V.K., J.) (R.P., J.)
03.10.2024

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



H.C.P(MD)No.1140 of 2024

To

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

2. The Superintendent of Police
Tiruppur district.

3. The Inspector of Police (Law and Order),
Taluk Police Station, Kumbakonam,
Thanjavur district.

4. The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.

5. The Inspector of Police
Avinashi police station.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.1140 of 2024

C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

PNM

ORDER MADE IN
H.C.P.(MD) No.1140 of 2024

03.10.2024