



H.C.P.(MD).No.1244 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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M.Thulasiraman

.. Petitioner/Father of the Detenu

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.

3.Ravindran

4.Kaladevi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body or person of the detenu namely Sindhuraj (aged 31) S/o.Thulasiraman before this Court and set him at liberty forthwith.



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For Petitioner : M/s.S.Prabha
for Mr.S.Arokiyaselvaramesh

For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

Sindhuraj, a married man with two children, got addicted to alcohol and was admitted in a rehabilitation centre run by the third and fourth respondents. The present Habeas Corpus Petition is filed by the father of the said Sindhuraj, alleging that his son, who was taking treatment in the rehabilitation centre run by the third and fourth respondents, was shifted to Chennai during the Covid-19 lockdown period. Once he was shown to them through video conference and thereafter, he is missing. Therefore, a representation was sent by the petitioner to the respondent Police on 29.09.2023 to trace his son. Since it went in vain, the present Habeas Corpus Petition is filed.

2. The learned Additional Public Prosecutor appearing for the first and second respondents submits that the missing man married one



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Banupriya against the wish of his parents and was living separately. Since he got addicted to alcohol, he was admitted in the rehabilitation centre run by the third and fourth respondents. The learned Additional Public Prosecutor would further submit that the investigation conducted so far reveals that from the custody of the third and fourth respondents, the said Sindhuraj escaped, went to his wife, quarrelled with her and left. Thereafter, he was not heard. His wife, on enquiry, had stated that Sindhuraj came to see her in an agitated mood and picked quarrel with her for admitting him in the rehabilitation centre and thereafter, left the home.

3. This matter has been under consideration of this Court for quite some time. A detailed status report is filed by the respondent Police, wherein, the Inspector of Police, who is in charge of the investigation, has stated that all efforts are taken to trace the missing man and look out notice with photograph of the missing person has also been issued in public places inviting information. The status report also indicates the action taken against the third and fourth respondents for their violation of law. For the sake of completeness, the relevant portion of the status report is extracted below:



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“2. I respectfully submit that, the Investigation steps always follows:

a. I submitted that The petitioner's son is addicted to tobacco, alcohol and drugs. The petitioner, the petitioner's wife, the petitioner's son, daughter-in-law Banupriya, and two grand children are residing at Third Street Door No.1, K Putur, Lourdhu Nagar, Madurai District.

b. I submitted that As the petitioner's son is addicted to alcohol, he used to get into daily arguments with the petitioner and the petitioner's daughter-in-law under the influence of alcohol.

c. I submitted that In 2019, the petitioner's family admitted the petitioner's son to a center called MADURAI VEL FOUNDATION (Drinks, Drugs, Psychiatric, Rehabilitation) near KK Nagar, Appolo Hospital, Madurai to cure his drug addiction. Then the petitioner paid ten thousand to the third and fourth Respondent and asked for three months of treatment at the center. After three months in March 2020, the petitioner's son will not be able to come out due to the corona virus epidemic and after one month the petitioner's son can be taken home from the centre, the center said.

d. I submitted that when the petitioner asked the MADURAI VEL FOUNDATION to invite his son at the end of 2020, the MADURAI VEL FOUNDATION said that the petitioner's son was in rehabilitation center in Chennai. The



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Madurai Vel Foundation has told the petitioner that "your son will come here after two months" of treatment.

e. Two months later, when the petitioner sought a proper reply from the Madurai Vel Foundation, due to non-response, a complaint was lodged at the 1st Respondent and a First Information Report was registered of men missing.

f. I submitted that Jeevalakshmi is currently managing Velu Foundation Centre. Regarding the above case, Jeevalakshmi, who is the manager of Madurai Vel Foundation, Palpandi and Sivadhileepan, who are working there, were interrogated separately and their statements were recorded. During the investigation conducted at the Vel Foundation Centre, Sindhu Raj, the petitioner's son, ran away from the center without telling anyone.

g. I submitted that the Following they said investigation, the petitioner, the petitioner's wife and the petitioner's daughter-in-law were also interrogated separately.

h. In the enquire of the petitioner's daughter-in-law, "I fell in love and married Sinduraj, son of Tulshiram, in the year 2008. My husband Sinduraj and I have two children 1. Bala Suriya 2. Jeevika. My marriage is a love marriage so our family doesn't talk to me. My husband is an alcoholic and every time he comes home he is drunk and intoxicated. If I asked him why he was drinking, he would say that this is how he drinks and then he would torture me. Because of this, when I was



getting treatment to stop alcoholism at Madurai Vel Foundation, my husband ran away without treatment and abused me with inappropriate words and threatened to kill me. I called Madurai Vel Foundation center about my husband absconding and told them we are looking for your husband and told them to come to Madurai Vel Foundation the next day and signed the discharge summary". As the daughter-in-law of the petitioner has said in the above investigation and has also given the manuscript.

i. I submitted that in this investigation, it has come to light that the petitioner joined Madurai vel Foundation for treatment on November 14, 2020 and escaped on December 12, 2022.

j. Ravindran, director of Madurai Vel Foundation and his wife have been convicted of Crime No.1134/2017, Section 120, 341, 342, 364(A), 368, 419 of IPC and are currently lodged in Madurai Central Jail. A request letter was issued to the Superintendent of Jail to interrogate the said person. The third and fourth respondents gave the same statement as the daughter-in-law of the petitioner.

k. After that, based on the suspicion that Sindhu Raj had gone abroad, an application was submitted to the passport office and an investigation was conducted in his name. In that inquiry it was revealed that his son Sindhu Raj had not obtained any passport.



l. I submitted that thereafter that I contacted the local police station and the neighbouring police stations and arranged for investigation by taking information about the missing person in this case.

m. Even after inquiring with the shop owner where Sindhuraj worked, no information about Sindhuraj was found.

3. I submitted that the missing petitioner's son was searched with the help of CCTNS Portal and DCRB. But, the petitioner's husband or body was not found.

4. I submitted that I am arranged a Look-out Notice (விக்-அவுட் நோட்டீஸ்) with the photo of missing person and arranged an advertisement in public places.

5. Mr. Durairaj, a special investigator, has been appointed as a special investigator to search and find the missing SindhuRaj. We have all the statements and information given by the interrogators about the missing Sindhuraj and the place related to this case.

6. I submitted that all out efforts are being taken to trace out the missing person by gearing up the activities of special team constituted for this task, 1st and 2nd respondent will produce the missing person before the Hon'ble Court early by taking all out efforts.”



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4. In view of the above facts and circumstances, this Court is of the view that the Habeas Corpus Petition need not be kept pending. Hence, the Habeas Corpus Petition is closed with a direction to the respondent Police to continue the search of the missing man and the petitioner herein, if receives any information about the missing man, may pass on to the respondent Police for them to make effective search of the missing man.

(G.J.,J.) (C.K.,J.)
19.02.2024

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

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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