



H.C.P.(MD)No.1466 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI

H.C.P.(MD)No.1466 of 2024

P.Suresh

... Petitioner / Brother of the Detenue

Vs.

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

2.The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.

3.The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.

4.A.Arun @ Arunkumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the body or person of the petitioner's sister namely Mrs.Selva Kumari W/o.Arun @ Arun Kumar aged about 38 years



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and produce her body or corpus before this Court and set her at liberty forthwith.

For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.
For R1 to R3

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for R1 to R3.

2. The petitioner is the brother of the detenue. The detenue is missing. The petitioner lodged complaint with the second respondent. It was registered as Crime No.271 of 2024. Since the detenue is yet to be traced, the present HCP came to be filed.

3. The learned Additional Public Prosecutor submitted that the petitioner's sister had gone away with the fourth respondent way back in the year 2010. The petitioner has not seen his sister since then. The petitioner's mother has passed away in the year 2021 and in order to get



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the legal heir certificate, the petitioner has suddenly remembered the existence of the sister. When the petitioner approached the fourth respondent, the fourth respondent had made a statement that she left the home and he does not know the whereabouts of the sister. In these circumstances, it is for the petitioner to pursue the matter with the second respondent. The question of maintaining HCP does not arise at all. It is true that the whereabouts of the petitioner's sister are currently not known. But then, the petitioner's very standing appears to be in doubt. He had not bothered about his sister for the last 14 years. Therefore, it is for the petitioner to take appropriate steps as per law to get the legal heir certificate. We however direct the second respondent to take earnest efforts to trace the petitioner's sister.

4. The Habeas Corpus Petition is disposed of with the aforesaid direction.

**(G.R.S. J.,) & (P.V.M. J.,)
28.11.2024**

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



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Virudhunagar East Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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