



H.C.P.(MD) No.519 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

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T.Subbaiah

... Petitioner

-vs-

1.The Commissioner of Police
Madurai City Commissioner
of Police
Alagar Kovil Main Road
K.Pudur
Madurai-625 002

2.The Deputy Commissioner of Police
Madurai City DCP Office
Thidirnagar Circle
S.S.Colony
Madurai-625 016

3.The State of Tamil Nadu
rep.by its Inspector of Police
C2 Subramaniya Police Station
Madurai-625 003

4.Rani

5.Ajithkumar

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the third respondent to produce the petitioner's son, namely, Saravanakumar, aged about 34 years, before this Court and set him at liberty.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor for R1 to R3

ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the third respondent to secure his son, namely, Saravanakumar, aged about 34 years, produce him before this Court and set him at liberty.

2. According to the petitioner, his son Saravanakumar is working as Driver and got marriage with one Suganthi on 27.08.2017. The said Suganthi is none other than the daughter of the fourth respondent and sister of the fifth respondent. He obtained loan to the tune of Rs.25,00,000/- from the neighbourhoods for the medical treatment of his mother and gave some amount to the respondents 4 and 5. During the month of November, 2024, his



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son Saravanakumar went to the fourth respondent's house at Trichy. Thereafter, he could not contact his son Saravanakumar through mobile phone and therefore, he directly went to the house of the fourth respondent in Trichy and thereafter, he came to know that the fourth respondent is not residing there, leased out her house and shifted to some other address and he could not gather the present address of the fourth respondent. Subsequently, he sold his house situated at Bikara on 03.03.2025 and settled Rs.10,00,000/- towards the loan obtained by his son. In such circumstances, the fourth respondent demanded Rs.2,50,000/- from the petitioner to show his son Saravanakumar and in pursuance thereof, he paid Rs.2,50,000/- to the fourth respondent. However, he could not meet his son. Therefore, he lodged a complaint to the respondents 1 to 3 on 24.04.2025. However, the respondent – Police have not taken any steps based on the complaint given by the petitioner. Hence, the present habeas corpus petition.

3. Learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondent - Police to take necessary action in accordance with law to trace the detenu within a time stipulated by this Court.



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4. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, submitted that based on the complaint given by the petitioner, the respondent – Police are taking necessary steps to trace the detenu and as and when the whereabouts of the detenu is found, he would be produced before the jurisdictional Magistrate Court and it would be intimated to the petitioner.

5. In view of the above, this habeas corpus petition is disposed of with a direction to the respondent - Police to take necessary action in accordance with law and trace the detenu as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. As and when the detenu is secured or his whereabouts is identified, he shall be produced before the jurisdictional Magistrate Court and the same shall be intimated to the petitioner forthwith.

[M.D.I., J.] [R.S.V., J.]
08.05.2025

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

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- 2.The Deputy Commissioner of Police,
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Thidirnagar Circle,
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Madurai-625 016.
- 3.The Inspector of Police,
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Madurai-625 003.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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