

H.C.P.(MD)Nos.1238 & 1248 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)Nos.1238 & 1248 of 2024

In H.C.P.(MD)No.1238 of 2024

Reka ... Petitioner / Wife of the detenue

Vs.

1.State represented by the
Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai.

3.Sivakumar

4.Aaruf

5.Karthick ... 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



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respondents 1 & 2 to produce the body or person of the detenu namely Murugan S/o.Pandi aged 49 years before this Court and set him at liberty.

For Petitioner : Mr.T.Saravana Pandian

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.
For R1 & R2

In H.C.P.(MD)No.1248 of 2024

N.Sivakumar ... Petitioner / owner of the detenue

Vs.

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

2.The Inspector of Police,
Theppakulam Police Station (Crime Branch),
Madurai District,
Madurai.

... 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 & 2 to produce the body or person of the petitioner's employee namely Murugan S/o.Pandi, Male, aged about 49 years, before this Court and set him at liberty.



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For Petitioner : Mr.S.Ramesh

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor.
For R1 & R2

COMMON ORDER

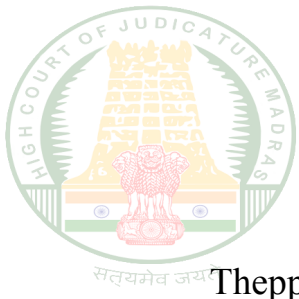
(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. The petitioner in H.C.P.(MD)No.1238 of 2024 complains that her husband Murugan is missing since 31.08.2024. Murugan was employed under the petitioner in H.C.P.(MD)No.1248 of 2024. The employer had entrusted Murugan with 575 grams of gold for professional purposes. Reka had given a man-missing complaint while the employer had given a breach of trust complaint. FIRs have been registered on the basis of both the complaints. Even though several directions have been issued, the police have not been able to trace the missing individual till date.

3. We are of the view that keeping this habeas corpus petition pending is not going to serve any purpose. Admittedly, Murugan had gone missing at Padalam, Chennai. We are of the view that

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Theppakulam Police Station may not be fully equipped to crack the case.

We therefore direct the Additional Director General of Police (Law & Order), Chennai to constitute a special team for investigating the FIRs in Crime No.619 of 2014 and Crime No.735 of 2024 on the file of the Theppakulam, Police Station. Such a team shall be constituted by the Additional Director General of Police (Law & Order), Chennai, within a period of three weeks from the date of receipt of a copy of this order.

4. With the aforesaid direction, the Habeas Corpus Petitions are disposed of.

(G.R.S. J.) & (R.P. J.)
21.01.2025

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

Note: Issue Order Copy on 22.01.2025.

To:-

1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai.



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

Copy To:

The Additional Director General of Police (Law & Order),
Chennai,



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G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

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