



HCP(MD)No.61 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

H.C.P.(MD)No.61 of 2023

A.Jayakumar

.. Petitioner / Husband of
the Detenu

Vs.

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

2.The Inspector of Police,
Kallakudi Police Station,
Kallakudi.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body (or) person of the petitioner's wife namely Kulandhai Therasu @ Sasi, aged about 37 years, D/o.Arockiya Samy, before this Court so as to set her at liberty.

For Petitioner :Mr.V.R.G.Mohan

For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

DR G.JAYACHANDRAN,J.
and
K.K. RAMAKRISHNAN,J.

This Habeas Corpus Petition is filed by the husband of the detenu alleging that his wife was found missing from 17.05.2019.

2. According to the petitioner, he arranged for Ear boring ceremony on 17.05.2019 at Kallakudi and there was presentation by cash to the tune of Rs.1 lakh and his relatives gave sridhanam of 9 sovereigns of gold. The petitioner's wife taken away the jewels, money and had gone missing along with the adult daughter. A complaint to the police to that effect on 12.07.2019. Not acted upon immediately only after pressurization, they have registered the complaint in Crime No.390 of 2021 on 26.11.2021. Even after that, the police has not traced the petitioner's wife and his adult daughter, hence, the present Habeas Corpus Petition is filed.

3. The respondent police, after due enquiry, found that the wife of the petitioner is at Ambattur, working in Aavin. Though the petitioner has alleged that his wife has gone with one Iyup Khan, there is no evidence for



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the said contention. As far as the daughter of the petitioner is concerned, she is now married and living at Bangalore. His son, who is 20 years old, is staying with his grand-parents and pursuing his I.T.I Diploma Course.

4.The wife and daughter of the petitioner were produced before this Court. The petitioner is also present. A complaint of missing jewels given by the petitioner, cannot be converted into HCP alleging as if the wife and children are in illegal custody. They both are adult and they are with the mother on their own. The wife of the petitioner, on enquiry, makes serious allegation against the petitioner and fears threat to her life. She further says that fearing threat to her life, she has left the petitioner to a place of safety and to make her own living.

5.In view of the above, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (K.K.R.K.,J.)
20.02.2023

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



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DR G.JAYACHANDRAN,J.
and
K.K. RAMAKRISHNAN,J.
Ns

To

- 1.The Deputy Superintendent of Police,
O/o.District Superintendent of Police,
Kamuthi,
Ramanathapuram District.
- 2.The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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