



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 28.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 858 OF 2019

P.Packiam

.. Petitioner

- Vs -

1. The Commissioner of Police
Madurai City, Madurai.

2. The Inspector of Police
Teppakulam Police Station
Madurai.

3. Muthukaruppan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents 1 and 2 to produce the body and person of the detainees, viz., Tamilarasi, aged about 25 years, P.Tharun, aged about 6 years and P.Thanyashree, aged about 4 years before this Hon'ble Court, from the alleged custody of the 3rd respondent, and set them at liberty.

For Petitioner : Mr. R.Sevugaraja

For Respondents : Mr. K.Dinesh Babu, APP for RR-1 & 2

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner is the husband of the detainee, viz., Tamilarasi, aged about 25 years and the father of the two minor detainees, viz., Tharun and Thanyashree, aged about 6 years and 4 years respectively and alleging their illegal custody/detention at the hands of the 3rd respondent, who is already a married man, came forward to file this petition.



2. Heard the submissions of the learned counsel appearing for the petitioner and Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent.

3. Learned Addl. Public Prosecutor, on instructions, submits that on an earlier occasion, the wife of the petitioner eloped with the 3rd respondent on 2.6.17 and, thereafter, she was secured and custody was handed over to the petitioner and once again, on 9.7.18, she eloped with the very same 3rd respondent along with her two children and in this regard a case in Crime No.363/19 was registered on 23.6.19 for 'Woman & Children Missing' and investigation is on and all out efforts are being taken to secure all the detainees.

4. This Court has considered the rival submissions and also perused the materials available in the typed set of documents.

5. It is a case of second time elopement and it prima facie appears that the major detainee - wife of the petitioner, on her own volition, eloped with the 3rd respondent, who is stated to be a married man. However, taking into consideration the anxiety exhibited by the petitioner as to the well being of his wife and his two minor children, this Court directs the 2nd respondent to conduct quality and speedy investigation and take all out efforts to trace the detainees as well as the 3rd respondent and as and when the detainees are traced, they shall be produced before the Court of Judicial Magistrate No.1, Madurai, for passing appropriate orders as to their custody and before doing so, the 2nd respondent shall inform the petitioner in advance. The 2nd respondent shall also periodically inform the progress being made in the investigation to the petitioner. The Assistant Commissioner of Police, Law & Order, Madurai Town, shall also monitor the investigation and give necessary inputs to the 2nd respondent to carry out qualify investigation.

6. This habeas corpus petition is disposed of accordingly. Registry is directed to mark a copy of this order to the Assistant Commissioner of Police, Madurai Town, Madurai.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Commissioner of Police
Madurai City, Madurai.
2. The Inspector of Police
Teppakulam Police Station
Madurai.
3. The Assistant Commissioner of Police
Madurai Town, Madurai.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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CS(13.09.2019) 3P 5C