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H.C.P.(MD) No.690 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.690 of 2020

N.V.Suresh

... Petitioner/Husband of the detenu

-vs-

1.The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.

2.The Inspector of Police,
All Women Police Station,
Golden Rock Police Station,
Trichy City.

... Respondents/Complainant

PRAYER: 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 Petitioner's wife namely Muppidari @ Kala, aged about 30 years, daughter of Mookkandi before this Court and set her at liberty.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the Petitioner's wife namely, Muppidari @ Kala, aged 30 years before this Court and set her at liberty.

2.The Petitioner and the detenu are husband and wife. It appears that the marriage between them was performed on 15.5.2011 and due to the lawful wedlock, they were blessed with two children. It is alleged by the Petitioner that his wife along with two minor children were found missing from 30.7.2020. In this regard, a complaint was given on 31.7.2020, for which, the Petitioner has been issued with CSR Receipt No.127 of 2020, dated 3.8.2020, however, no action was taken to trace them.



3. Heard Mr.C.Gangai Amaran, learned counsel for the Petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. When the matter is taken up for hearing today, the Petitioner as well as the detinue appeared before this Court through video conferencing and on enquiry, the detinue would state that the Petitioner is her husband and due to the harassment of the Petitioner, she is living separately for about seven years and during the time of pandemic lockdown, she joined with the Petitioner on 1.6.2020. Thereafter also, she was harassed by the Petitioner and hence she left the matrimonial home along with two children and she is now in Thiruppur and eking out her livelihood by doing tailoring business. She would further state that she is not willing to go with the Petitioner.

5. In the light of the above statement made by the detinue, no further enquiry is required in this Habeas Corpus Petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

Note : In view of the present lockdown owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.
2. The Inspector of Police,
All Women Police Station,
Golden Rock Police Station,
Trichy City.



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

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ORDER MADE IN
H.C.P. (MD) No.690 of 2020
15.10.2020

VB (03.11.2020) 3P 4C