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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.1322 of 2021

K.Geetha

...Petitioner

Vs.

1. State by
The Inspector of Police,
North Police Station,
Thiruppur.

2. Padma

3. Senthilkumar

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st respondent to produce the body of the detenu viz., Kumaravel, son of late Nachimuthu, aged about 49 years, whose whereabouts not known and produce the detenu before this Court and hand over the detenu to the petitioner.

For Petitioner : Mr.R.Marudhachalamurthy

For R1 : Mr.R.Muniyapparaj
Govt.Advocate (Crl.Side)

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 1st respondent to produce the body of the detenu viz., Kumaravel, son of late Nachimuthu, aged about 49 years, whose whereabouts not known and produce the detenu before this Court and hand over the detenu to the petitioner.

2. It is the case of the petitioner that she got married to one Kumaravel on 03.07.1994 and has a son through the



wedlock, who is now aged about 26 years. It is the specific case of the petitioner that her husband was not taking care of the family and he got separated from the family sometime in the year 2004 and started living with his parents. It is the further case of the petitioner that the whereabouts of her husband were not known to her from the year 2016 onwards and on a complaint given by her, a petition enquiry in C.S.R.No.99 of 2016 was registered by the Inspector of Police, North Police Station, Thiruppur.

3. Under such circumstances, the petitioner has given a representation dated 30.07.2021 and thereafter, filed the present habeas corpus petition.

4. In the considered opinion of this Court, it is the specific case of the petitioner that the whereabouts of her husband were not known to her from 2016 onwards and therefore, it cannot be stated that the petitioner's husband is in the illegal custody of the second and third respondents for the issuance of a writ of habeas corpus.

Hence, this habeas corpus petition stands closed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd/tri

To

1. The Inspector of Police,
North Police Station,
Thiruppur.

2. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.R.Marudhachalamurthy, Advocate, Sr.43513

H.C.P.No.1322 of 2021

SPD[co]
NSK 21/09/2021