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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

H.C.P.NO.1687 OF 2021

A.Murugesan

.. Petitioner/Husband

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Gopalapuram, Coimbatore,
Tamil Nadu - 641 018.
2. State represented by
The Inspector of Police,
D-4, Kuniyamuthur Police Station,
Coimbatore City, Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent to produce the body of the petitioner's wife M.Jeyalakshmi, aged about 38 years and his minor son Srinivas, aged about 12 years, bodily or in person before this court and set them at liberty.

For Petitioner : Mr.R.Shanmugam

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by S.SRIMATHY, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent to produce the body of the petitioner's



wife M.Jeyalakshmi, aged about 38 years and his minor son Srinivas, aged about 12 years, bodily or in person before this court and set them at liberty.

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2. It is the case of the petitioner that he got married to Jeyalakshmi on 04.12.2003 and through the wedlock, he has two children viz., Nithisha Sri, aged about 15 years and Srinivas, aged about 12 years. It is his further case that his wife Jeyalakshmi and his son Srinivas went missing from 25.02.2021 and thereafter, their whereabouts are not known and it is the grievance of the petitioner that the police are not taking effective steps to secure them, despite his complaint.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Kuniamuthur Police Station Crime No.219 of 2021 for 'woman and boy missing' was registered on 22.03.2021 and during enquiry, Jeyalakshmi appeared before the police on 24.10.2021 and gave her present address as No.86, Sriram Nagar, Aranmanai Thottam, Edaiyarpalayam, Kuniamuthur, Coimbatore and she stated that she does not want to join her husband and she is intending to file a petition for divorce in the Family Court.

4. In such view of the matter, this habeas corpus petition stands closed and we direct the Deputy Superintendent of Police, Kuniamuthur Sub-Division, to supervise the investigation in Kuniamuthur Police Station Crime No.219 of 2021 and keep the petitioner informed of the developments, if any. As and when Jeyalakshmi, aged about 38 years and Srinivas, aged about 12 years, are secured, they shall be produced before the Judicial Magistrate Court No.VII, Coimbatore, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

nsd



To

1. The Judicial Magistrate No.VII,
Coimbatore.

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2. The Deputy Superintendent of Police,
Kuniamuthur Sub-Division.

3. The Superintendent of Police,
Office of the Superintendent of Police,
Gopalapuram, Coimbatore,
Tamil Nadu - 641 018.

4. The Inspector of Police,
D-4, Kuniamuthur Police Station,
Coimbatore City, Coimbatore.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravanan, Advocate, S.R.No.54934

H.C.P.No.1687 of 2021

BS(CO)
RLP(17/11/2021)