



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM

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

H.C.P.NO.1746 OF 2021

N.Shanmugam

.. Petitioner/
Husband of the detenu

Vs.

1. State represented by
The Superintendent of Police,
Namakkal.
2. State represented by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
3. Kumar

.. 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 of the detenu viz., Vadivalaki, W/o.Shanmugam, aged about 35 years, before this Court from the alleged custody of the 3rd respondent and set her at liberty.

For Petitioner : Mr.S.Viswanathan

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



ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

WEB COPY This habeas corpus petition has been filed seeking to direct the respondents 1 and 2 to produce the body of the detenu viz., Vadivalaki, W/o.Shanmugam, aged about 35 years, before this Court from the alleged custody of the 3rd respondent and set her at liberty.

2. It is the case of the petitioner that he got married to Vadivalaki and through the wedlock, he has two children viz., Aadishesan and Yashika, aged about 17 and 14 years, respectively. It is the further case of the petitioner that on 05.08.2021, his wife did not return home and so, he lodged a complaint, based on which, a case in Kumarapalayam Police Station Crime No.495 of 2021 was registered on 07.08.2021 for 'woman missing' and the police secured his wife on 12.08.2021 and she was restored to him. It is the grievance of the petitioner that again his wife eloped on 09.09.2021 with the third respondent.

3. It is reported that the FIR in Crime No.495 of 2021 has not yet been closed and therefore, we direct the Deputy Superintendent of Police, Kumarapalayam Sub-Division, to supervise the investigation in Kumarapalayam Police Station Crime No.495 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenu Vadivalaki, aged about 35 years, is secured, she shall be produced before the Judicial Magistrate Court, Kumarapalayam, 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,
Kumarapalayam.
2. The Deputy Superintendent of Police,
Kumarapalayam Sub-Division.
3. The Superintendent of Police,
Namakkal.
4. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Dass & Viswa Associates, Advocate, S.R.No.56451

H.C.P.No.1746 of 2021

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