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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.319 of 2022

S.Venkatakrishnan

.. Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District, Cuddalore.

2.The Inspector of Police,
Vadalur, Cuddalore District.

3.Kumaresh

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to secure and produce the body or person of the petitioner's wife Sharmila (22 years), before this Court and set her at liberty.

For Petitioner : Mr.M.C.Swamy

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

ORDER

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

This habeas corpus petition has been filed seeking a direction to the respondents to secure and produce the body or person of the petitioner's wife Sharmila, aged about 22 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Sharmila on 04.09.2019 and through the wedlock, a premature male baby was born on 04.06.2020 and it died on the same day; while that being so, his wife went missing from 17.12.2021 and thereafter, her whereabouts are not known.

3.Today J.Jayadevi (Mobile No.94981 54529), Sub-Inspector



of Police, Vadalur Police Station, Cuddalore District, is present.

4. On instructions, the Additional Public Prosecutor submitted that on a complaint lodged by the petitioner, a case in Vadalur Police Station Crime No.828 of 2021 was registered on 20.12.2021 for 'woman missing' and during the course of investigation, it came to light that Sharmila was having an affair with Kumaresh, third respondent herein, even prior to marriage and she is said to have eloped with him.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Neyveli Sub-Division, to supervise the investigation in Vadalur Police Station Crime No.828 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee Sharmila, aged about 22 years, is secured, she shall be produced before the Judicial Magistrate Court, Kurinjipadi, 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-VIII)

//True Copy//

Sub Assistant Registrar

nsd
To

1. The Judicial Magistrate, Kurinjipadi.
2. The Deputy Superintendent of Police,
Neyveli Sub-Division.
3. The Superintendent of Police,
Cuddalore District, Cuddalore.
4. The Inspector of Police,
Vadalur, Cuddalore District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.C.Swamy, Advocate SR.No.12562

H.C.P.No.319 of 2022

MT (CO)
GN (23/03/2022)