



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

Coram

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

H.C.P.No.515 of 2022

P.Rajeshkumar

.. Petitioner

Vs.

1.State represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur.

2.The Inspector of Police,
Peralam Police Station,
Thiruvarur.

3.Kaliyamoorthy

.. 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 person or body of the petitioner's wife viz., Viniba, W/o.Rajeshkumar, aged about 32 years, before this Court and set her at liberty.

For Petitioner : Mr.M.Rajkumar Franklin

For RR 1 and 2 : 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 1 and 2 to produce the person or body of the petitioner's wife viz., Viniba, W/o.Rajeshkumar, aged about 32 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Viniba on 27.01.2016 and through the wedlock, he has a child viz., Vipinraj, who is now aged about 5 years. It is the further



case of the petitioner that his wife Viniba left the house on 03.02.2022 at 5.00 p.m. and did not return thereafter.

3. On these allegations, the present habeas corpus petition has been filed by the petitioner.

4. Today, M.Suresh Kumar (Mobile No.94981 64075), Head Constable 959, Peralam Police Station, Thiruvallur District, is present.

5. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Peralam Police Station Crime No.172 of 2022 has been registered on 31.03.2022 for 'woman missing' and during the course of investigation, it came to light that Viniba was having an affair with one Kaliyamoorthy, third respondent herein and has eloped with him.

6. In such view of the matter, it cannot be stated that Viniba is in the illegal custody of anyone for the issuance of a writ of habeas corpus.

7. However, we direct the Deputy Superintendent of Police, Nannilam Sub-Division, Thiruvarur District, to supervise the investigation in Peralam Police Station Crime No.172 of 2022 and keep the petitioner, informed of the developments, if any. As and when Viniba, aged about 32 years, is secured, she shall be produced before the Judicial Magistrate Court, Nannilam, Thiruvarur District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

With the above directions, this habeas corpus petition stands closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Nannilam, Thiruvarur District.

2.The Deputy Superintendent of Police,
Nannilam Sub-Division, Thiruvarur District.



3.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvavarur.

4.The Inspector of Police,
Peralam Police Station,
Thiruvavarur.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.515 of 2022

PL(CO)
SB(19/04/2022)