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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

Coram

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

H.C.P.No.529 of 2022

C.Prabhu .. Petitioner/Husband of the detenue

Vs.

State represented by

1. The Commissioner of Police,
Avadi, Chennai.

2. The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur, Chennai.

3. Yuvaraj .. 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 and person of the petitioner's wife, by name, Vigneshwari, W/o.Prabhu, aged about 28 years, who is under the illegal custody of the 3rd respondent, before this Court and set her at liberty forthwith.

For Petitioner : Mr.S.Sengkodi

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 body and person of the petitioner's wife, by name, Vigneshwari, W/o.Prabhu, aged about 28 years, who is under the illegal custody of the 3rd respondent, before this Court and set her at liberty forthwith.



2. It is the case of the petitioner that he got married to Vigneshwari in the year 2017 and through the wedlock, he has two children viz., Rithika and Dheesithan, aged about 3 ½ and 1 ½ years, respectively; while that being so, his wife went missing from 05.03.2022 leaving behind him and his children and thereafter, her whereabouts are not known.

3. Today, A.Sathia Raj, Sub-Inspector of Police, Ambattur Estate Police Station, Chennai, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Ambattur Estate Police Station Crime No.77 of 2022 has been registered on 06.03.2022 for 'woman missing' and during the course of investigation, it came to light that Vigneshwari has developed intimacy with one Yuvaraj, third respondent herein and has eloped with him.

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

In the result, this habeas corpus petition stands closed with a direction to the Assistant Commissioner of Police, Ambattur Sub-Division, Chennai, to supervise the investigation in Ambattur Estate Police Station Crime No.77 of 2022 and keep the petitioner informed of the developments, if any. As and when the detinue Vigneshwari, aged about 28 years, is secured, she shall be produced before the Judicial Magistrate Court, Ambattur, Chennai, 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-VI)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Ambattur, Chennai.



2. The Assistant Commissioner of Police,
Ambattur Sub-Division, Chennai.

3. The Commissioner of Police,
Avadi, Chennai.

4. The Inspector of Police,
T-2, Ambattur Estate Police Station,
Ambattur, Chennai.

5. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Sengkodi, Advocate, S.R.No.23575

H.C.P.No.529 of 2022

SKM(CO)
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