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HCP No. 962 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

Coram

The Hon'ble Mr. Justice **S.VAIDYANATHAN**
and

The Hon'ble Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No. 962 of 2022

T.Deepigadevi

.. Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.

2. The Inspector of Police,
Singanallur Police Station,
Coimbatore District.

3. Sumathi

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of detenue, husband of the petitioner namely detenue / Ramkumar, S/o. Jothiswaran, aged about 33 years from the illegal custody of the third respondent before this Court and set him at liberty.

For Petitioner : Mr. R.Prabhakar

For Respondents 1&2 : Mr. M.Babu Muthumeeran
Addl. Public Prosecutor



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ORDER

S.VAIDYANATHAN, J.,
and
A.D.JAGADISH CHANDIRA, J.,

The present Habeas Corpus Petition has been filed by the wife of the alleged detainee for production of her husband Ramkumar S/o. Jothiswaran, aged about 33 years, from the illegal custody of the third respondent.

2. It is the case of the petitioner that the marriage between the petitioner and the alleged detainee / husband of the petitioner, was performed in the year 2017. Out of wedlock, the petitioner is blessed with a girl child. It is the contention of the petitioner that petitioner's husband and the third respondent's daughter one Priya have illicit relationship and they ran away on 12.04.2022. Hence, the petitioner lodged a complaint on 20.05.2022 before the second respondent police. The third respondent has also lodged a complaint before the second respondent police which was taken on file in Cr. No.250 of 2022 and registered under the caption "Woman missing". Since there was inaction on the part of the respondent police, the present petition has been filed by the petitioner.



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3. On the complaint given by the petitioner dated 20.05.2022, it is very clear that there is no illegal confinement of petitioner's husband and that her husband had ran away with someone. We are of the view that the Habeas Corpus Petition is not maintainable since there is no question of illegal detention. However, it is open to the petitioner to work out the remedy available to her in accordance with law.

4. In view of the above, the Habeas Corpus Petition stands closed.

(S.V.N.,J.) (A.D.J.C.,J.)
05.07.2022

Index: Yes/No
bkn

To:

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
Singanallur Police Station,
Coimbatore District..
3. The Public Prosecutor,

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