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H.C.P.No.2075 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.2075 of 2022

M.Akilan
S/o.Mohan

.. Petitioner

Vs.

1.The Commissioner of Police,
Tambaram, Chennai.

2.The Inspector of Police,
H-2 Guduvancheri Police Station,
Chennai.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to secure and produce the petitioner's wife Tmt.N.Dhanalakshmi, aged 31 years, before this Court and set her at liberty.

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

This petition has been filed seeking a direction to the second respondent to produce the petitioner's wife Tmt.N.Dhanalakshmi, aged 31 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Dhanalakshmi on 03.09.2017 and after marriage, on account of marital discord, Dhanalakshmi left the petitioner's house on 08.09.2018 and thereafter, her whereabouts are not known. It is the further case of the petitioner that he gave a complaint to the police, based on which a case in Guduvancheri P.S. Crime No.676/2018 was registered on 09.09.2018 for “woman missing”. The petitioner has also filed a petition for divorce in H.M.O.P.No.907 of 2022 and the same is pending on the file of III Additional Family Court, Chennai.



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3. It is the grievance of the petitioner that, for want of the whereabouts of Dhanalakshmi and the address in which, she is residing, he is unable to serve summons or notice in H.M.O.P.No.907 of 2022. Therefore, the petitioner has filed the present petition.

4. Today, Ms.N.Geetha, Inspector of Police, Guduvancherry Police Station [Mobile No.98406 93745], is present.

5. On instructions, Mr.R.Muniyapparaj, learned Additional Public Prosecutor submitted that after the registration of the First Information Report, police have been taking effective steps to trace Dhanalakshmi, but in vain. It is also further stated that the parents of Dhanalakshmi were questioned by the police and they also pleaded ignorance stating that they do not know about the whereabouts of their daughter.

6. We also perused the case diary and found that the police, on their part, had taken all possible steps to trace Dhanalakshmi, but, that did not



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bear fruition. In such view of the matter, it cannot be stated that Dhanalakshmi is in the illegal custody of respondents herein for issuance of a writ of habeas corpus.

7. Accordingly, we direct the Inspector of Police, H-2 Guduvancheri Police Station, Chennai, to proceed with the investigation in Guduvancheri P.S. Crime No.676 of 2018 and keep the petitioner informed of the developments, if any. As and when the detenue is secured, she shall be produced before the Additional Mahila Court [Magisterial Level], Chengalpet, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody.

8. The petitioner may submit a copy of this order to the III Additional Family Court, Chennai, in H.M.O.P.No.907 of 2022 to show that the whereabouts of Dhanalakshmi are not known even to the police so that appropriate orders can be passed by the said Court.



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With the above direction, this Habeas Corpus Petition is closed.

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[PNP, J.] [TKR, J.]
14.11.2022

Index: Yes/No
gm

To

- 1.The Additional Mahila Court [Magisterial Level],
Chengalpet.
[Guduvancheri P.S. Crime No.676/2018]
- 2.The III Additional Family Court,
Chennai. [H.M.O.P.No.907/2022]
- 3.The Commissioner of Police,
Tambaram, Chennai.
- 4.The Inspector of Police,
H-2 Guduvancheri Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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**P.N.PRAKASH, J
and
RMT. TEEKAA RAMAN, J**

gm

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