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H.C.P.No.2055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2055 of 2022

Gurumuk Singh

.. Petitioner

Vs

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

2.The Inspector of Police,
Vandavasi North Police Station,
Vandavasi, Tiruvannamalai District.

3.Rajendar

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the petitioner's wife Rekha, D/o.Babu Ram Saran, aged about 35 years and the first son of the petitioner viz. Ranjith, aged about 17 years, second son of



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the petitioner viz., Jaswanth Singh, aged about 12 years and third son of the petitioner viz. Prathap Singh, aged about 10 years, before this Court from the illegal custody of the third respondent and set them at liberty.

For Petitioner : Mr.S.Suresh

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 by the petitioner seeking a direction to the second respondent to produce his wife Rekha, aged about 35 years and three sons viz. Ranjith, Jaswanth Singh and Prathap Singh, aged about 17 years, 12 years and 10 years, respectively, before this Court from the illegal custody of the third respondent and set them at liberty.

2. It is the case of the petitioner that his ancestors hail from Punjab; he fell in love with Rekha, a Tamil girl hailing from Vandavasi and got married to her ten years ago; through the wedlock, he has three children



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viz. Ranjith, Jaswanth Singh and Prathap Singh, aged about 17 years, 12 years and 10 years, respectively; he is a carpenter by profession; prior to 11.09.2022, Rekha and the three children went to Vandavasi to her parental home; on 07.09.2022, Rekha told the petitioner over phone that she would come with the three children to Chennai on the next day; however, only on 11.09.2022, Rekha is said to have boarded the bus with the three children at Vandavasi for coming to Chennai; he (petitioner) was waiting to receive them in Koyambedu bus stop, but, she did not come and so, he informed Rekha's parents and there was a search, but, in vain.

3. Alleging that Rekha and the three children are in illegal custody of the third respondent, the petitioner has filed the present habeas corpus petition.

4. Today, C.Saravanan (Mobile No.94981 51062), Special Sub-Inspector of Police, Vandavasi North Police Station, Vandavasi, Tiruvannamalai District, is present.

5. On instructions, the learned Additional Public Prosecutor



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submitted that on a complaint given by Kalyankumar, father of Rekha, a case in Vandavasi North Police Station Crime No.156 of 2022 has been registered on 11.09.2022 and during the course of investigation, it came to light that Rekha had eloped with the third respondent and the tower location shows that they were somewhere in Punjab. He further submitted that the three children are with Rekha.

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

Hence, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Vandavasi Sub-Division, Tiruvannamalai District, to supervise the investigation in Crime No.156 of 2022 that is being conducted by the Inspector of Police, Vandavasi North Police Station and keep the petitioner and Kalyankumar informed of the developments, if any. As and when the petitioner's wife Rekha, aged about 35 years and sons viz. Ranjith, Jaswanth Singh and Prathap Singh, aged



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about 17 years, 12 years and 10 years, respectively, are secured, they shall be produced before the Judicial Magistrate Court, Vandavasi, Tiruvannamalai District, under intimation to the petitioner as well Kalyankumar. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
17.10.2022

Index: Yes/No
nsd

To

- 1.The Judicial Magistrate,
Vandavasi, Tiruvannamalai District.
- 2.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
- 3.The Deputy Superintendent of Police,
Vandavasi Sub-Division, Tiruvannamalai District.
- 4.The Inspector of Police,
Vandavasi North Police Station,
Vandavasi, Tiruvannamalai District.
- 5.The Public Prosecutor,
High Court, Madras.



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RMT.TEEKAA RAMAN, J.

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