



WEB COPY



H.C.P.No.2223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

Coram

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

H.C.P.No.2223 of 2022

K.Kannan

.. Petitioner

Vs

1.The Superintendent of Police,
Tiruvannamalai District,

2.State represented by
The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents herein to produce the person and body of K.Gowthamy, wife of K.Kannan, aged about 30 years, before this Court and set her at liberty.



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For Petitioner : Mr.K.Gajendiran

For Respondents : 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 respondents herein to produce his wife K.Gowthamy, aged about 30 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Gowthamy and through the wedlock, he has two children viz. Ajithkumar and Sarathadevi, aged about 18 and 13 years, respectively; he is working as a lorry driver and is required to go on long trips to other States leaving behind his wife and children in his house; while so, when he was away on duty, his wife left the house on 18.10.2022 around 3.30 p.m. telling the children that she is going to the house of one Ravi to get some money; thereafter, his wife did not return home; on coming to know of this, he returned home and gave a complaint and that the police are not taking effective steps to secure his wife.



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3. Today, K.Venkatesa Perumal (Mobile No.94981 50405),
Special Sub-Inspector of Police, Thanipadi Police Station, Tiruvannamalai
District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Thanipadi Police Station Crime No.395 of 2022 has been registered on 21.10.2022 for “woman-missing” and during the course of investigation, it came to light that Gowthamy developed an affair with one Murugan, who hails from the nearby village and eloped with him leaving the children behind.

5. In such view of the matter, it cannot be stated that Gowthamy is in the 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, Tiruvannamalai Rural Sub-Division, Tiruvannamalai District, to supervise the investigation in Crime No.395 of



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2022 that is being conducted by the Inspector of Police, Thanipadi Police Station, Tiruvannamalai District and keep the petitioner informed of the developments, if any. As and when the detenue Gowthamy, aged about 30 years, is secured, she shall be produced before the Judicial Magistrate Court, Thandrampet, Tiruvannamalai District, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

(P.N.P., J.) (TKRJ)
08.11.2022

nsd



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To

- 1.The Judicial Magistrate,
Thandrampet, Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Tiruvannamalai Rural Sub-Division, Tiruvannamalai District.
- 3.The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
- 4.The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
- 5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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and
RMT.TEEKAA RAMAN, J.

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