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H.C.P.No.2371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **G.CHANDRASEKHARAN**

H.C.P.No.2371 of 2022

K.Tharmaraj

.. Petitioner

Vs

1.The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.

2.The Inspector of Police,
Vadalur Police Station,
Vadalur, Cuddalore District – 607 303.

3.Akash

.. 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 body of the petitioner's wife Krishnaveni, aged about 35 years, before this Court and set her at liberty.



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For Petitioner : Mr.A.Syed Musthaba

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 Krishnaveni, aged about 35 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his wife Krishnaveni, aged about 35 years, went missing from 18.04.2022 and that the police are not taking effective steps to secure her.

3. Today, R.Arivalagan (Mobile No.94981 09866), Special Sub-Inspector of Police, Vadalur Police Station, Vadalur, Cuddalore District, is present.



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4. On instructions, the learned Additional Public Prosecutor submitted that the petitioner got married to Krishnaveni in the year 2004 and through the wedlock, they have two children *viz.* Vasantha Kumar and Harish, aged about 16 years and 9 years, respectively; on a complaint given by the petitioner, a case in Vadalur Police Station Crime No.327 of 2022 has been registered on 21.04.2022 and during the course of investigation, it came to light that Krishnaveni developed intimacy with Akash, third respondent herein and eloped with him.

5. In such view of the matter, it cannot be stated that Krishnaveni, aged about 35 years, 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, Neyveli Sub-Division, Cuddalore District, to supervise the investigation in Crime No.327 of 2022 that is being conducted by the Inspector of Police, Vadalur Police Station, Cuddalore



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District and keep the petitioner informed of the developments, if any. As and when the detenue Krishanveni, aged about 35 years, is secured, she shall be produced before the District Munsif-cum-Judicial Magistrate Court, Kurinjipadi, Cuddalore 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.) (G.C.S., J.)
23.11.2022

nsd



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To

- 1.The District Munsif-cum-Judicial Magistrate,
Kurinjipadi, Cuddalore District
- 2.The Superintendent of Police,
Cuddalore District,
Cuddalore – 607 001.
- 3.The Deputy Superintendent of Police,
Neyveli Sub-Division, Cuddalore District.
- 4.The Inspector of Police,
Vadalur Police Station,
Vadalur, Cuddalore District – 607 303.
- 5.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
and
G.CHANDRASEKHARAN, J.

nsd

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