



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.396 of 2022

Velleythangam

... Petitioner/mother of the detenu

Vs.

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

2.The State Rep. by,
The Inspector of Police,
Pudukottai Police Station,
Pudukottai,
Thoothukudi District.

3.Kanagalakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the petitioner's son namely Udes, S/o.Late.Mr.Thangam, aged about 32 years or his body or corpus before this Honourable Court and set him at liberty forthwith.

For Petitioner
For R-1 & R-2

: Mr.J.Sankara Pandian,
: Mr.T.Senthil Kumar,
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.

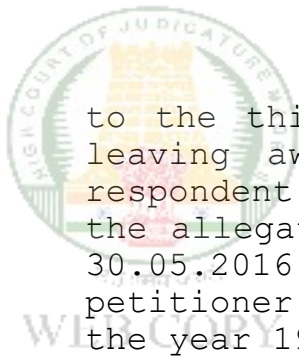
AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of her Son Udes, aged about 32 years.

2. According to the petitioner, she came to know of her son went missing only after she received notice in the divorce petition filed by the third respondent on 04.02.2022.

3. Even in the affidavit filed in support this Habeas Corpus Petition, the petitioner has stated that her son Udes got married



to the third respondent even in the year 2013 and they have been leaving away from her ever since he got married to the third respondent. The trigger for filing this Habeas Corpus Petition is the allegation in the divorce petition that her son went missing on 30.05.2016 and the said fact was informed to the husband of the petitioner. According to the petitioner, her husband died even in the year 1996.

4. The third respondent has been secured and she is present before us. Upon enquiry, she would state that she instructed her counsel to state the fact in the divorce petition that her husband went missing from 30.05.2016 and the same was informed to her mother-in-law, but it was mentioned as father-in-law. According to her, it is a typographical error. She has also stated that her husband, the alleged detenu has developed intimacy with another girl and living in Bombay. According to the third respondent, this fact is also known to the petitioner.

5. In view of the said explanation, we don't see any case of illegal detention. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To:

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Pudukottai Police Station,
Pudukottai,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.396 of 2022

29.03.2022

KG (CO)

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