



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P. (MD) No.462 of 2022

Petchiammal

... Petitioner

-vs-

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

2. The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to produce the body or person of detainee by name Deivakani W/o. Sivaperumal, aged about 31 years, and Subhasan, S/o.Sivaperumal, aged about 2 years, before this Court and set them at liberty.

For Petitioner : Mr.R.Ilayaraja
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed seeking to direct the respondents herein to produce the body or person of the petitioner's daughter and grandson, viz., Deivakani W/o. Sivaperumal, aged about 31 years and Subhasan, S/o.Sivaperumal, aged about 2 years, before this Court and set them at liberty.

2. It is the case of the petitioner that her daughter Deivakani was married to one Sivaperumal and through the wedlock, she has two sons, namely, Kathirvel and Subhasan. The family was living in Melachekkarakudi Village in Thoothukudi District, but, however, Sivaperumal was employed in Kerala and therefore, he had left his wife and children in his native village.



3. It is the case of the petitioner that her daughter went missing from her matrimonial home along with the child Subhasan from 10.03.2022 and that her whereabouts are not known.

4. Today, Mr.P.Ramachandran, Sub-Inspector of Police, Thattaparai Police Station, Thoothukudi, is present before this Court. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Thattaparai Police Station Crime No.41 of 2022 has been registered on 11.03.2022 for 'Woman missing and Boy missing' and public notices have been issued in that area by the Police. He also submitted that the investigation revealed that Deivakani had taken some household articles including an induction stove from her matrimonial home with an idea of establishing a family elsewhere.

5. It is not the case of the petitioner that Deivakani and her child are in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

6. Hence, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Thoothukudi Rural, to supervise the investigation that is being conducted by the Inspector of Police, Thattaparai Police Station in Crime No.41 of 2022 and keep the petitioner informed of the developments, if any. As and when the detainee Deivakani and child are secured, they shall be produced before the Judicial Magistrate Court No.1, Thoothukudi, under intimation to the petitioner and learned Judicial Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-

Assistant Registrar(CRL.SIDE)

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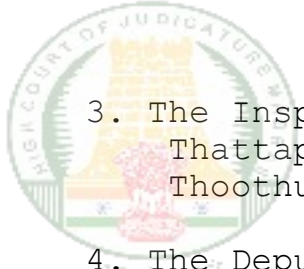
Sub Assistant Registrar(CS)

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To:

1.The Judicial Magistrate No.1,
Thoothukudi.

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



3. The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

4. The Deputy Superintendent of Police,
Thoothukudi Rural.
Thoothukudi.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R. ILAYARAJA, Advocate (SR-28157[F] dated 27/06/2022)

H.C.P. (MD) No.462 of 2022
24.06.2022

KG (CO)

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