



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.523 of 2022

N.Sivathanu

... Petitioner /
Husband of the Detenu
-Vs-

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Kottar Police Station,
Kanniyakumari District.

...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 herein to produce the person or body of the detainees by name Vidhya aged about 30 years and N.S.Saisaran, aged about 8, who is the wife and son of the petitioner herein before this Court and set them at liberty.

For Petitioner : Mr.M.Krishna Sreethar
For Respondents : Mr.S.Ravi,
Additional Public Prosecutor.

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of his wife, namely, Vidhya, aged about 30 years and son, namely, N.S.Saisaran, aged about 8 years. According to the petitioner, the wife and child went missing from 03.03.2022. Therefore, he made a complaint and First Information Report was registered on 09.03.2022 in Crime No.120 of 2022. Complaining the inaction on the part of the police, the petitioner has come up with the Habeas Corpus Petition.

2.Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the wife of the petitioner is a habitual offender. She had ran away once in the year 2019 and a case was registered in Crime No.380 of 2019. Thereafter, she was secured and handed over to the petitioner and she has again gone missing. According to the learned Additional



Public Prosecutor appearing for the respondents, it is a case of elopement.

3. In view of the above, we do not see any illegal custody as alleged by the petitioner. Therefore, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar (AD II)

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/ /2022

Sub Assistant Registrar (CS)

Myr

To

1. The Superintendent of Police,
Kanniyakumari District.

2. The Inspector of Police,
Kottar Police Station,
Kanniyakumari District.

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

+1 CC to M/s.G. KANNAN, Advocate (SR-18763[F] dated 13/04/2022)

H.C.P. (MD) No. 523 of 2022

13.04.2022

MGJ(27.04.2022) 2P 5C