



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P. (MD) No.680 of 2022

S.Selvakumar

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. District Superintendent of Police,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents herein to produce the body or person of the petitioner's wife, minor son and minor daughter, namely, Pandiyammal (aged about 28 years), Minor Manikandan (aged about 6 years) Minor Pandipriya (aged about 4 years) before this Court and set them at liberty.

For Petitioner : Mr.G.Thalaimutharasu

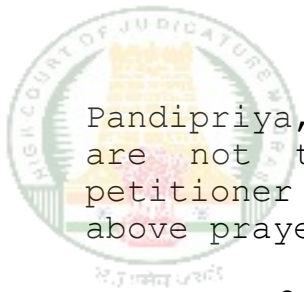
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed seeking to direct the respondents to produce the person or body of the petitioner's wife, minor son and minor daughter, namely, Pandiyammal (aged about 28 years), Minor Manikandan (aged about 6 years) Minor Pandipriya (aged about 4 years) before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Pandiyammal, aged about 28 years, went missing along with two children, namely, Minor Manikandan, aged about 6 years, Minor



Pandipriya, aged about 4 years, from 14.04.2022 and that the police are not taking effective steps to secure them. Hence, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

3. Today, Mr.S.B.Kalaichelvan (Mobile No.8300000389), Sub Inspector of Police, Devakottai Town Police Station, Sivagangai District, is present before this Court. On instructions, learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case in Devakottai Town Police Station Crime No.81 of 2022 has been registered on 18.04.2022 for 'woman and children missing' and during the course of investigation, it appears that Pandiyammal has written a letter to her parents saying that she had a quarrel with her husband, on account of which, she had left the matrimonial home and she is living with two children peacefully away. She has not stated where she is residing.

4. In such view of the matter, it cannot be stated that Pandiyammal and two minor children are in the illegal custody for the issuance of a Writ of Habeas Corpus. However, we direct the Deputy Superintendent of Police, Devakottai Town, Sivagangai District, to supervise the investigation in Devakottai Town Police Station Crime No.81 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Pandiyammal and minor children, are secured, they shall be produced before the Judicial Magistrate Court, Devakottai, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.

5. Hence, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar(AD-I)

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/ /2022

Sub Assistant Registrar(CS)

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To :

1. The Judicial Magistrate,
Devakottai,
Sivagangai District.

2. The Deputy Superintendent of Police,
Devakottai Town,
Sivagangai District.



3. The Superintendent of Police,
O/o. District Superintendent of Police,
Sivagangai,
Sivagangai District.

4. The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

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

H.C.P. (MD) No.680 of 2022
09.06.2022

nsn(CO)
TR(20.06.2022) 3P 6C