



HCP(MD)No.1044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **R.VIJAYAKUMAR**

H.C.P.(MD)No.1044 of 2022

S.Thangameena

.. Petitioner /wife & mother
of the detenu

Vs.

1.The Superintendent of Prison,
Madurai District, Madurai.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 1st and 2nd respondents herein to produce the petitioner's husband namely, Soundarapandi, S/o.Subbiah, aged about 36 years before this Court and set him at liberty and the petitioner's minor son namely Samy, S/o.Soundarapandi, aged 7 years and minor daughter Charulatha, D/o.Soundarapandi, aged 3 years before this Court and entrust the minor detainees' custody to the petitioner.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor



HCP(MD)No.1044 of 2022

ORDER

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[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

It is the case of the petitioner that she got married to Soundarapandi about 12 years back and through the wedlock, she has three children, namely Samy (7 yrs), Charulatha (3 yrs) and Sabari (2 yrs). It is the further case of the petitioner that her husband quarrelled with her sometime in January '2022 and left the house with the three children, after which, his whereabouts and that of the children are not known to her. With these allegations, the present Habeas Corpus Petition has been filed.

2.Today, Mr.K.Ganesan, Special Sub Inspector of Police, Elumalai Police Station is present.

3.On instructions, the learned Additional Public Prosecutor submitted that Soundarapandi is very much available and made arrangements to speak to him via Whatsapp video call. Accordingly, we interviewed Soundarapandi via Whatsapp video call. He told us that, three years back, his wife developed intimacy with one Kodiarasan and eloped with him.



HCP(MD)No.1044 of 2022

Therefore, he lodged a complaint to the police, based on which, a case in Elumalai Police Station Crime No.322/2018 'for woman missing' was registered. He denied the contention that he had left the company of the petitioner in January '2022 as alleged by her. On the contrary, it is his specific case that way back in '2018, his wife eloped with the said Kodiarasan and therefore, he took his three children to Chennai and they are now studying in RCM School, Tambaram. He has also sent a copy of the Aadhaar, which shows his present address particulars and the same is as under:

K.Soundarapandi,

DOB : 10.09.1986

2691 0073 4094

C/o.Subbiah

71B, Kulakkarai Street

Tharkaas, Varadharajapuram, Kancheepuram

Tamil Nadu.

His Mobile Number 8489953231



HCP(MD)No.1044 of 2022

4. In such view of the matter, it cannot be stated that Soundarapandi and the children are in the illegal custody of anyone for issuance of a Writ of Habeas Corpus. Accordingly, this petition is closed.

(P.N.P.,J.) (R.V.,J.)
01.07.2022

Internet : Yes
RR

To

1.The Superintendent of Prison,
Madurai District
Madurai.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

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



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HCP(MD)No.1044 of 2022

P.N.PRAKASH,J.
and
R.VIJAYAKUMAR, J.

RR

H.C.P.(MD)No.1044 of 2022

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