



H.C.P.(MD)No.950 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

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Karthick

.. Petitioner/Husband of the
Detenue

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

3.Manikandan

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st and 2nd Respondents to produce the body or person of the Petitioner's wife namely, Mohana, W/o.Karthick, aged about



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33 years and the petitioner's sons, namely, Kathiravan, S/o.Karthick, aged about 16 years and Dinesh, S/o.Karthik, aged about 14 years before this Court and set them at liberty.

For Petitioner : Mr.J.Sulthan Basha

For Respondents 1 and 2 : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

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

The petitioner is the husband of the detenue, Mohana, aged 33 years and father of the detenues, viz., Kathiravan, aged 16 years and Dinesh, aged 14 years.

2. It is the case of the petitioner that his wife Mohana, aged about 33 years has gone away with his two children, Kathiravan, aged 16 years and Dinesh, aged 14 years and now they are all in the illegal custody of the third respondent.

3. Heard Mr.J.Sulthan Basha, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 & 2.



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4. On instructions, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case, in Vallam Police Station, in Crime No.520 of 2022 has been registered on 16.06.2022 for 'woman and children missing' and during the course of investigation, it came to light that Mohana developed intimacy with the third respondent and had eloped with him.

5. In view of the above, it cannot be stated that Mohana and children are in the illegal custody of the third respondent for the issuance of a Writ of Habeas Corpus. However, we direct the Deputy Superintendent of Police, Thanjavur, to supervise the investigation that is being conducted by the Inspector of Police, Vallam, in Crime No.520 of 2022 and keep the petitioner informed the developments, if any. As and when the detenues, Mohana and children were secured, they may be produced before the learned Judicial Magistrate No.II, Thanjavur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody, in accordance with law.



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6. Accordingly, this Habeas Corpus Petition is closed.

[P.N.P.,J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

PJL

To

1.The Judicial Magistrate No.II,
Thanjavur.

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

3.The Deputy Superintendent of Police,
Thanjavur District,
Thanjavur.

4.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

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



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

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ORDER MADE IN
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