



HCP(MD)No.1038 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.1038 of 2022

M.Mohan

.. Petitioner / Husband of
the detenu

Vs.

1.The Superintendent of Police
Karur District,
Karur.

2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District
Crime No.179/2022

3.Thamaraikannan

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents 1 and 2 to produce the person or body of the petitioner's wife, the detenue namely Abitha, wife of Mohan, aged about 31 years before this Court and set her at liberty.



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For Petitioner : Mr.R.Mathiyalagan

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

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

It is the case of the petitioner that his wife Abitha, went missing from 27.04.2022 and that she is in the illegal custody of the third respondent.

2. On instructions, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case in Velayuthampalayam Police Station Crime No.179/2022 has been registered for 'woman missing' and during the course of investigation, it came to light that Abitha had eloped with the third respondent.

4. In such view of the matter, it cannot be stated that Abitha is in the illegal custody of the respondents herein for issuance of a Writ of Habeas Corpus.

5. In the result, this Habeas corpus Petition is closed with a direction



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to the Deputy Superintendent of Police, Aravakkurichi, to supervise the investigation that is being conducted by Velayuthampalayam Police Station Crime No.179/2022 and keep the petitioner informed of the developments, if any. As and when Abitha is secured, she may be produced before the Judicial Magistrate, No.II, Karur, under intimation to the petitioner and the learned Magistrate may pass appropriate orders with regard to custody.

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

Internet : Yes

RR

To

- 1.The Judicial Magistrate, No.II
Karur.
- 2.The Superintendent of Police
Karur District,Karur.
- 3.The Deputy Superintendent of Police,
Aravakkurichi,Karur District
- 4.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
R.VIJAYAKUMAR, J.

RR

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