



H.C.P.(MD) No.1128 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

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D.Senthil

... Petitioner

-VS-

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

2.The Deputy Superintendent of Police,
Thiruvudaimaruthur Circle,
Thanjavur District.

3.State rep by its,
The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.

4.Suriya

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body or person of the detainee namely Vimala, aged about 30 years, Wife of Senthil and minor child Pratheep aged about 3 years, Son of Senthil, before this Court and set them at liberty.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor for R1 to R3

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents 1 to 3 to produce the body or person of the petitioner's wife / detainee *viz.*, Vimala, aged about 30 years and son Pratheep, aged about 3 years, before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Vimala, aged about 30 years and son Pratheep, aged 3 years, went missing from 04.06.2022 and that they are in the illegal custody of the fourth respondent. Hence, the petitioner has filed the present habeas corpus petition with the above prayer.



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3. Today, Mr.S.Manivannan, Special Sub-Inspector of Police, Thiruvudaimaruthur Police Station, is present before this Court. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by Manjula, the mother of Vimala and mother-in-law of the petitioner, a case in Thiruvudaimaruthur Police Station Crime No.482 of 2022 has been registered on 18.06.2022 for 'woman and child missing' and during the course of investigation, it came to light that Vimala developed intimacy with the fourth respondent and has eloped with him.

4. In such view of the matter, it cannot be stated that Vimala is in the illegal custody of the fourth respondent herein for the issuance of a writ of habeas corpus.

5. Hence, this habeas corpus petition stands closed. However, we direct the Deputy Superintendent of Police, Thiruvudaimaruthur, to supervise the investigation in Thiruvudaimaruthur Police Station Crime No.482 of 2022 and keep the petitioner informed of the developments, if any. As and when the



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detenue Vimala, aged about 30 years and Pratheep, aged about 3 years, are secured, they shall be produced before the Judicial Magistrate Court No.II, Thiruvudaimaruthur, under intimation to the petitioner and Manjula and learned Judicial Magistrate shall pass appropriate orders with regard to custody in accordance with law.

[P.N.P., J.] [R.H., J.]
15.07.2022

Index : Yes / No
Internet : Yes / No
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To:

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvudaimaruthur Circle,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.
- 4.Mrs.Manjula,
W/o. Paramasivam,
Manaveli Street,
Valangaiman,
Thiruvarur District.
- 5.The Judicial Magistrate Court No.II,
Thiruvudaimaruthur, Thanjavur.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.HEMALATHA, J.

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