



H.C.P.(MD) No.1286 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM:

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

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Rajeskumar

... Petitioner

-VS-

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

2.The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

3.Inspector of Police,
Rajathanai Police Station,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the petitioner's wife the first detenu namely Divya, W/o. Rajeskumar, Female, aged 30 years and petitioner's son the second detenu by name Ratchan,



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S/o.Rajeskumar, male, aged about 6 years, before this Court and consequently set the first detenu at liberty and hand over the custody of the second detenu to the petitioner.

For Petitioner : Mr.M.Pitchai Muthu

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

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents to produce the body or person of the petitioner's wife, namely, Divya, aged 30 years and his son, namely, Ratchan, aged 6 years, before this Court and set the detenu at her liberty and hand over the custody of the detenu to the petitioner.

2. It is the case of the petitioner that his wife Divya, aged 30 years along with his son Ratchan, aged 6 years, went missing ten months ago and that the police are not taking effective steps to secure them. Hence, the present habeas corpus petition with the above prayer.



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3. Today, Mrs.K.Rathikala, Sub-Inspector of Police, AWPS, Andipatti, is present before this Court.

4. On instructions, learned Additional Public Prosecutor submitted that on account of marital discord, Divya left the company of the petitioner ten months ago; in this connection, on a complaint given by Vanam (the mother of the detainee), a petition enquiry in Rajathanai Police Station CSR No.11 of 2022 was registered and enquiry was conducted; during the course of investigation, Divya appeared before the police and gave a letter stating that on account of the torture meted out by her husband, she left with her son and is separately living with her son and parents in Madurai, recording the same, Rajathanai Police Station CSR No.11 of 2022 was closed; again the petitioner has given a fresh complaint, based on which, a fresh CSR has been registered in Rajathanai Police Station CSR No. 265 of 2022.

5. To be noted, in the affidavit sworn to by the petitioner, he has not disclosed the fact that his mother Vanam had already given a complaint, in which, enquiry was conducted and closed.



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6. In such view of the matter, it cannot be stated that the petitioner's wife and son are in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

7. Recording the same, this habeas corpus petition stands closed.

[P.N.P., J.] [R.T., J.]
04.08.2022

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

- 1.The Superintendent of Police,
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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