



H.C.P.(MD) No.1317 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.1317 of 2022

Kathiravan

... Petitioner

-VS-

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Sellur Police Station,
Madurai City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to secure and produce the person or body of the detenues namely minor S.K.Akshara, D/o.Kathiravan aged about 11 months and Karthiga, W/o.Kathiravan, aged about 30 years before this Court and set them at liberty.



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For Petitioner : Mr.C.Senthil Murugan

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 person or body of the detenues, namely, minor S.K.Akshara, daughter of Kathiravan, aged about 11 months and Karthiga, wife of Kathiravan, aged about 30 years, before this Court and set them at liberty.

2. It is the case of the petitioner that his wife Karthiga, aged about 30 years, went missing with his minor daughter S.K.Akshara on 12.07.2022 and that the police are not taking effective steps to secure them. Hence, the present habeas corpus petition with the above prayer.

3. On instructions, learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Sellur Police Station Crime No.669 of 2022 has been registered on 19.07.2022 for 'woman and girl missing' and during the course of investigation, the petitioner's wife and child were traced in Tirupur



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All Women Police Station and along with the petitioner, the police went there and the custody of the daughter was handed over to the petitioner by his wife. His wife further stated that she is not willing to join the petitioner.

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

5. In the result, this habeas corpus petition stands closed.

[P.N.P., J.] [R.V., J.]
12.08.2022

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

- 1.The Commissioner of Police,
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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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