



H.C.P.(MD) No.1326 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**

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Periyasamy

... Petitioner

-VS-

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

2.The Inspector of Police,
Kallakudi Police Station,
Trichy District.

3.Prabhakaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detainee namely Rajani W/o.Sathiyamoorthi, aged about 31 years from the illegal custody of the third respondent and produce before this Court and



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For Petitioner : Mr.T.Lenin Kumar

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 1 and 2 to produce the body or person of the petitioner's daughter/detenué, namely, Rajani, wife of Sathiyamoorthy, aged about 31 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Rajani, aged about 31 years, was given in marriage to one Sathiyamoorthy and through the wedlock, she has a child Kasika. The petitioner's son-in-law Sathiyamoorthy was employed in Singapore and therefore, Rajani and Kasika were living with the petitioner. While so, it is alleged by the petitioner that on 19.05.2022, the third respondent forcibly abducted Rajani from his custody and that the police are not taking any action on his complaint. Hence, the present habeas corpus petition with the above prayer.



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3. On instructions, learned Additional Public Prosecutor submitted Sathiyamoorthy has come to India and he gave a complaint to the police, based on which, a petition enquiry in CSR No.143/2020 was registered and enquiry was conducted. During the enquiry, Rajani appeared before the police and stated that she is not in the illegal custody of anyone and on account of marital discord, she wants to live away from Sathiyamoorthy.

4. In such view of the matter, it cannot be stated that the petitioner's daughter is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus. A copy of the petition enquiry in CSR No.143/2020 is furnished to the petitioner across the Bar.

5. Accordingly, 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 Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Kallakudi Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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