



H.C.P.(MD)No.1787 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.10.2022**

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

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Joysi

.. Petitioner

Vs.

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

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

3. Arockia Nathiya

.. Respondents



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PRAYER: 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 secure the detenu and produce the person or body of the detenu namely, Benedict Kasyon, S/o.Sebastin Raj, aged about 33 years, from the illegal custody of the third respondent before this Court and set him at liberty.

For Petitioner : Mr.T.Dhandapani

For Respondents 1 & 2 : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

J.NISHA BANU, J.

and

N.ANAND VENKATESH, J.

The petitioner is the wife of the detenu, who has filed this Habeas Corpus Petition to produce her husband namely, Benedict Kasyon, before this Court.

2. The learned Additional Public Prosecutor, on instructions, submitted that the husband of the petitioner has developed an illegal



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intimacy with the third respondent and he has gone along with the third respondent. The petitioner gave a complaint and the same has been taken on file in C.S.R.No.859 of 2022 by the second respondent police. Simultaneously, the father-in-law of the third respondent has also given a complaint that the third respondent is missing and based on the same, a "women missing" FIR has been registered in Crime No.365 of 2022. The learned Additional Public Prosecutor submitted that both the complaints are being enquired and the only information that was received by the second respondent police is that the detenu and the third respondent have eloped.

3. Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent police to find the whereabouts of the detenu and the third respondent and record their statements. The statement of the petitioner as well as the father-in-law of the third respondent shall also be recorded and thereafter, the FIR and the CSR shall be closed.



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4. This Habeas Corpus Petition is disposed of with the above directions.

(J.N.B.,J.) (N.A.V.,J.)
31.10.2022

Index : Yes/No
Internet : Yes
rm

To

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



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