



HCP(MD)No.1887 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1887 of 2022

Arun Kumar

.. Petitioner / Father of the
Detenu

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai-625 007.

2.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.251 of 2022)

.. Respondents

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 Prema, wife of Arunkumar, aged about 26 years old and minor son Kishore, son of Arum Kumar, aged about 2 ½ years old before this Court and set them at liberty.



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For Petitioner
For R1 to R3

:Mr.R.Karunanidhi
:Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. ANAND VENKATESH,J.**)

The petitioner has filed this Habeas Corpus Petition to produce the body of his wife Prema and his minor son Kishore, who are said to be missing from 10.05.2022 onwards.

2.Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents.

3.The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by the petitioner, a woman missing complaint has been registered in Crime No.251 of 2022 by the third respondent. In the course of investigation, it was ascertained that the wife of the petitioner has developed relationship with one Rohith and one of the child is in her custody and she is now living with Rohith. Out of wedlock between the petitioner and the detenu, twins were born and one child is in



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the custody of the petitioner and the other child is in the custody of the detenu.

4.In the considered view of this Court, the child is in the custody of the mother, which cannot be stated to be an illegal custody. The third respondent has already registered woman missing FIR. Hence, there shall be a direction to the third respondent police to proceed further with the investigation in accordance with the guidelines issued by this Court in ***K.Sukumari-vs-The Superintendent of Police, Virudhunagar District, Virudhunagar***, reported in ***2018(2)-L.W.(Crl)-636***. This Court expects the respondent police to expedite the investigation and find the whereabouts of the detenu as early as possible.

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

(M.S.R.,J.) (N.A.V.,J.)
15.11.2022

Index: Yes/No
Internet: Yes/No
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M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.
Ns

To

- 1.The Superintendent of Police,
Madurai District,
Madurai-625 007.
- 2.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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