



HCP(MD)No.1982 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1982 of 2022

S.Prammiya

.. Petitioner / Wife of the
Detenu

Vs.

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

2.The Inspector of Police,
Kallal Police Station,
Kallal,
Sivagangai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondent 1 and 2 to produce the body or person of the petitioner's husband namely Albin Vincent, S/o.Laisa John, Male, aged about 20 years, before this Court and set him at liberty.

For Petitioner :Mr.R.Shankar Ganesh

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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DR. G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The petitioner, who is the wife of one Albin Vincent, has given a complaint to the respondent police on 14.11.2022 alleging that her husband gone missing, leaving her and five months baby. After lodging the complaint, the petitioner has filed this Habeas Corpus Petition alleging that the whereabouts of her husband is not known and whether he is alive or not and therefore, the respondent police to search and produce the body of her husband.

2.The learned Additional Public Prosecutor appearing for the State would submit that similar complaint was given by the petitioner earlier to the respondent police, on 01.10.2022 and the same was enquired into. Later, she gave a letter to the respondent police stating that her husband has contacted her and ensured he will rejoin within 10 days and therefore, she requested to close the said complaint. Accordingly, the said complaint was closed. Thereafter, again identical complaint is given for investigation and she has rushed to this Court filing the present Habeas Corpus Petition.



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3.From the investigation so far conducted, it is found that due to matrimonial dispute, the husband of the petitioner has deserted her and gone to Kerala and thereafter, shifted to Bangalore. When the police contacted him, he has informed that he is ready to co-operate with the enquiry and he left the matrimonial home, due to cruelty and threatened caused by the petitioner herein.

4.Considering the facts and circumstances of the case, this Court finds that this is not a case fit for exercising the jurisdiction under Article 226 of the Constitution of India, but the matter to be investigated as per the procedure contemplated under Cr.P.C., since the police has ensured that there is no threat to the life of the petitioner's husband. This Court is not inclined to entertain this petition and accordingly, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (S.M.,J.)
16.12.2022

Index:Yes/No
Internet:Yes/No
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DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

Ns

To

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

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