



HCP(MD)No.2019 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.12.2022

CORAM

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

H.C.P.(MD)No.2019 of 2022

S.Madasamy

.. Petitioner / Wife and
father of the Detenu

Vs.

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

2.The Inspector of Police,
Kayathar Police Station,
Tuticorin District.

3.Muthupandian
4.Periyathai

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of detainees namely 1.Manithai, W/o.S.Madasamy, aged 40 years, 2.Karthick, S/o.S.Madasamy, aged 22 years and 3.Karthick, D/o.S.Madasamy, aged 19 years before this Court and set them at liberty.



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For Petitioner
For R1 & R2

:Mr.M.Govindarajan
:Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

This petition has been filed to produce the body of the wife and children of the petitioner.

2.The learned Additional Public Prosecutor, on instructions, submitted that out of wedlock between the petitioner and the detenu there are three children and the elder son is in the care and custody of the petitioner. There was some matrimonial dispute between the petitioner and the detenu and the detenu went away with the matrimonial home along with the younger daughter and younger son. Based on the complaint given by the petitioner, C.S.R.No.65of 2022 was registered by the second respondent and the parties were called for an enquiry. A written statements of both the petitioner and the detenu was taken and the detenu had made it very clear that she had gone along with children on her own volition. Recording the same, C.S.R was also closed.



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3.The entire file was also produced before us and we have perused the same.

4.In view of the above, no further orders can be passed in this Habeas Corpus Petition. If the petitioner is aggrieved, it is left open to him to work out his remedy in the manner known to law. Hence, this Habeas Corpus Petition is disposed of.

(M.S.R.,J.) (N.A.V.,J.)
02.12.2022

Index:Yes/No

Internet:Yes/No

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To

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

2.The Inspector of Police,
Kayathar Police Station,
Tuticorin District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.
Ns

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