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H.C.P.No.267 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.267 of 2023

G.Gopi
S/o.Mr.P.Gajendran

.. Petitioner

Vs.

1. The Commissioner of Police
Tambaram Police Commissionerate
Tambaram

2. The Inspector of Police
Thazhambur (T-18) Police Station
Chennai
Crime No.369/2022

3. B.Jayachandran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to produce the body of the petitioner's wife Mrs.K.Vijaya and set her at liberty forthwith.

For Petitioner : Mr.N.Palanikumar

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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR.J.,]

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed owing to what appears to be a marital discord between the petitioner and one 'xxx' (we are masking the name and the detainee shall be referred to as 'absentee' for the sake of convenience and clarity).

2. It is the case of the petitioner that petitioner and absentee got married in 2016 and they have children from/through this wedlock.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of Respondents 1 and 2 (official respondents) submits that petitioner has given a complaint stating that absentee is missing from 23.12.2022 and an FIR has been registered vide Crime No.369 of 2022 on 23.12.2022. It is submitted that preliminary investigation reveals that the petitioner is the second husband of the absentee, the absentee having obtained divorce from the first husband. It is also submitted that the child is



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with the absentee. As the minor child is with the mother, we do not find the captioned HCP to be a matter of illegal detention. However, we make it clear that it is for the second respondent police to pursue the FIR which has already been registered and carry it to its logical end.

4. As regards the petitioner and absentee, it is for them to work out their remedies in appropriate Court/fora.

In the light of narrative thus far, captioned HCP is disposed of as closed.

(M.S.,J.)

(M.N.K.,J.)

21.02.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

To

1. The Commissioner of Police
Tambaram Police Commissionerate
Tambaram
2. The Inspector of Police
Thazhambur (T-18) Police Station
Chennai
3. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

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