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H.C.P.No.261 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.261 of 2023

K.Murugan
S/o.Kullu

.. Petitioner

Vs.

1. The Superintendent of Police
Dharmapuri District
Dharmapuri

2. The Inspector of Police
Morappur Police Station
Dharmapuri District

3. Palani
S/o.Annamalai .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the person or body of the detenu x, wife of Murugan aged about 38 years before this Court from the illegal custody of the third respondent and set her at liberty.

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For Petitioner : Mr.N.Arunkumar
for Mr.J.Pradeep

For Respondents : Mr.R.Muniyapparaj
(R1 and R2) 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 saying that the petitioner's wife (name not mentioned with the intention of masking and the detinue shall be referred to as 'absentee' for the sake of convenience), aged 38 years is missing from 21.11.2022.

2. Mr.N.Arunkumar, learned counsel representing Mr.J.Pradeep, counsel on record for petitioner submits that a complaint was given in Morappur Police Station (Dharmapuri District) and an FIR was registered vide Crime No.308 of 2022 on 22.11.2022.

3. Learned counsel for petitioner submits that it is suspected that the third respondent may have kidnapped the absentee and she might be in illegal custody of third respondent.



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4. Mr.R. Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of Respondents 1 and 2 submits that FIR was pursued and it came to light that absentee who is 38 years old had earlier gone away with the third respondent, now she is not with third respondent and absentee is not in illegal detention of third respondent.

5. It is open to the petitioner to pursue the FIR already registered in a manner known to law. All the rights and contentions of the petitioner in this regard are preserved and we are not expressing any opinion on merits in this order.

Recording the aforesaid stated position, captioned HCP is disposed of as closed as it is not a case of illegal custody.

(M.S.,J.)

(M.N.K.,J.)

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Neutral Citation : Yes / No

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3. The Public Prosecutor
High Court, Madras.



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and
M.NIRMAL KUMAR, J.,

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