



WEB COPY



H.C.P.No.257 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.257 of 2023

P.Ranjith Kumar
S/o.Pitchaimuthu

.. Petitioner

Vs.

1. The Superintendent of Police
Salem District

2. The Inspector of Police
Yercaud Police Station
Salem District

3. Ayyanar
S/o.Saravanan

.. 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 petitioner's wife x aged 32 years before this Court from the illegal custody of 3rd respondent and set her at liberty.

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For Petitioner : Mr.L.Parvin Banu
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 saying that the petitioner's spouse (name not mentioned with the intention of masking), aged 32 years is missing from 03.01.2023. It is petitioner's case that a complaint was lodged with the second respondent on 06.01.2023.

2. Be that as it may, it is petitioner's further case that it is suspected that absentee (petitioner's wife) may have been kidnapped by the third respondent and may be in illegal custody of the third respondent.

3. Mr.L.Parvin Banu, learned counsel for petitioner is before us.



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4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor instructed by Sub-Inspector of Police from the second respondent Police Station submits that they acted on the complaint given by the petitioner and it came to light that absentee on her own has moved to Namagiripettai, Rasipuram Taluk, Namakkal District. It is also submitted that absentee has given in writing on 10.02.2023 that there is marital discord and she does not want to live with the petitioner. Learned Additional Public Prosecutor also submits that there is a video clipping of the absentee making this statement. We refrain from expressing any opinion on this as it is a matrimonial dispute and it is for the parties to work out their remedies in appropriate Courts /Fora.

5. Learned counsel for petitioner submits that it has now become clear that the absentee is not in illegal custody of any one, much less the third respondent.

6. We make it clear that all the rights and contentions of the petitioner and absentee are preserved for working out their remedies in appropriate Court/ fora.



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7. Recording the aforesaid stated position, 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 Superintendent of Police
Salem District

2. The Inspector of Police
Yercaud Police Station
Salem District

3. The Public Prosecutor
High Court, Madras.

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

gpa

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