



HCP No.340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and

The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P. No.340 of 2023

Azhagar

... Petitioner

-VS-

1.The Superintendent of Police,
The Superintendent of Police Office,
MIN Nagar, Ariyalur,
Tamil Nadu – 621 801.

2.The Inspector of Police,
Andimadam Town Police Station,
Ariyalur,
Tamil Nadu – 621 801.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's wife, namely, Gowri, w/o.Azhagar aged about 34 years before this Court and set her at liberty.



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For Petitioner .. Ms.Devi Sai Monica
for Mr.G.Sasi Kannan

For Respondents .. Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

Ms.Devi Sai Monica, learned counsel representing counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.M.Sylvester John, learned counsel for respondents are before us.

2.Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity and convenience] has been filed saying that 36 years old petitioner's spouse who is 34 years of age is missing. A complaint was lodged on 21.09.2022 in the second respondent Police Station and a FIR for 'WOMAN MISSING' has been registered vide FIR No.319/2022 dated 21.09.2022.



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3.Learned Additional Public Prosecutor who accepts notice on behalf of both the respondents submits that there appears to be a marital discord between the petitioner and the absentee as they do not have a child from the wedlock. To be noted, the averments in the petition also say that on 20.09.2022 there was some contentious issue between the petitioner and the absentee.

4.To be noted, no individual [private respondent] has been arrayed and it is nobody's case that the absentee is in illegal custody or illegal detention.

5.Therefore, this not being a case of illegal custody/illegal detention, we find that it is not necessary to embark upon a Habeas Corpus legal drill. Suffice to say that the aforementioned FIR shall proceed in accordance with law, the rights/contentions of the petitioner in this regard and with regard to any aspect to the matter i.e., to approach the appropriate Court/Courts/Forum/Fora stand preserved.



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WEB COPY 6.In the result, captioned HCP is disposed of as closed.

(M.S,J.) (M.N.K.,J.)
07.03.2023

Index:Yes

Neutral Citation : Yes/No

cse

To

1.The Superintendent of Police,
The Superintendent of Police Office,
MIN Nagar, Ariyalur,
Tamil Nadu – 621 801.

2.The Inspector of Police,
Andimadam Town Police Station,
Ariyalur,
Tamil Nadu – 621 801.

3.The Public Prosecutor,
High Court of Madras,
Chennai - 104.



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

cse

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