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H.C.P.No.416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

H.C.P.No.416 of 2023

R.Venkata Krishnan

S/o.Ramachandran

..

Petitioner

Vs.

1. The State, Represented by,
The Commissioner of Police,
Office of the Commissioner of Police,
Avadi, Chennai – 600 071.

2.The State, Represented by
The Inspector of Police,
Avadi Police Station,
Chennai.
(Crime No.90 of 2023)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the petitioner's wife 'xxx', aged about 25 years before this Court.

For Petitioner

:

Mr.M.Harirajan



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H.C.P.No.416 of 2023

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 alleging that the petitioner's spouse 'xxx' (we are masking the name and we shall be referring to the petitioner's spouse as 'absentee' for the sake of convenience) is missing from 27.01.2023. Though petitioner's counsel was not before this Court, the absentee was produced before us and Mr.R.Muniyapparaj, learned Additional Public Prosecutor assisted by Mr.N.Narkeeran and instructed by the second respondent are before us.

2. We had an interaction with the absentee. We find that the absentee was born in the year 1997 and that she is now a major. In the interaction with the absentee, it came to light that the absentee has left her matrimonial home with the petitioner on her own volition.

3. We refrain ourselves from expressing any opinion about other averments and allegations in the captioned HCP as it is clearly not within the remit of a habeas corpus legal drill owing to the absentee not



H.C.P.No.416 of 2023

being in illegal detention or illegal custody of any one.

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4. In the light of the narrative thus far, we deem it appropriate to drop the curtains on the captioned HCP albeit making it clear that all the rights and contentions of the petitioner, absentee and all others concerned stand preserved qua investigation (if any) and if there are any other proceedings in other Court / Courts / Forum/Fora.

Captioned HCP disposed of albeit with aforesaid observation.

[M.S.J.] [N.A.V.J.]
20.03.2023

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H.C.P.No.416 of 2023

M.SUNDAR, J.,
and
N. ANAND VENKATESH, J.,

gpa

H.C.P.No.416 of 2023

20.03.2023