



WEB COPY



HCP No.343 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.343 of 2023**

Kamsala

... Petitioner

-VS-

1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri.

2.The Deputy Superintendent of Police,  
Hosur Range, Krishnagiri District.

3.State by  
The Inspector of Police,  
Hosur Police Station, Krishnagiri District.  
[Crime No.50 of 2022]

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents herein to produce the petitioner's daughter namely xxxx wife of Sathishkumar, aged about 24 years and minor child namely xxxx daughter of Sathishkumar aged about 4 years before this Court and set them at liberty.

|                 |    |                                 |
|-----------------|----|---------------------------------|
| For Petitioner  | .. | Mr.S.Sasikumar                  |
| For Respondents | .. | Mr.R.Muniyapparaj               |
|                 |    | Additional Public Prosecutor    |
|                 |    | Assisted by Mr.M.Sylvester John |



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**ORDER**

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity and convenience] has been filed saying that the petitioner's daughter [hereinafter 'first absentee' for the sake of convenience] and her spouse had some marital discord and thereafter, the petitioner's daughter who is 24 years of age had left the matrimonial home with her four years old daughter [hereinafter 'second absentee' for convenience].

2.Learned counsel for petitioner submits that husband of first absentee has not come forward to lodge a complaint and therefore, the mother has filed captioned HCP. It is also submitted that a complaint has been lodged with the third respondent Police Station and a FIR has been registered vide FIR No.50/2023 dated 01.02.2023 for WOMAN MISSING/GIRL MISSING.

3.To be noted, it is nobody's case that the absentees are in illegal custody or illegal detention of anyone. It is a case of matrimonial discord.



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Therefore, we do not propose to embark upon a habeas corpus legal drill.

However, we make it clear that the aforementioned FIR which has already been lodged shall be carried to its logical end by proceeding in accordance with law. Likewise, we also make it clear that all the rights and contentions of all the parties concerned are preserved for working out their remedies in the appropriate Court/Courts/Forum/Fora.

4.To be noted, learned Additional Public Prosecutor who accepted notice on behalf of all the three respondents submitted that the Police is acting on the FIR and they are in the process of tracking down the absentees. As alluded to supra, let this exercise continue.

5.In the light of the narrative thus far, captioned HCP is disposed of as closed albeit preserving the rights of all concerned in the aforesaid manner.

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

Index:Yes  
Neutral Citation : Yes/No  
cse



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*HCP No.343 of 2023*

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

*cse*

To

- 1.The Superintendent of Police,  
Krishnagiri District, Krishnagiri.
- 2.The Deputy Superintendent of Police,  
Hosur Range, Krishnagiri District.
- 3.The Inspector of Police,  
Hosur Police Station,  
Krishnagiri District.
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai - 104.

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**07.03.2023**