



WEB COPY



H.C.P.No.384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.384 of 2023

H.Indumathi
W/o.Haribabu

.. Petitioner

Vs.

1. The Superintendent of Police
Erode District, Erode

2. The Inspector of Police
Vellode Police Station
Erode District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the body and person of A.Haribabu, son of Anandhanaidu, aged about 45 years, the husband of the petitioner before this Court and set him at liberty.

For Petitioner : Ms.A.Veeramarthini

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

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Assisted by
Mr.M.Sylvester John, Advocate

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 is missing from 15.02.2019.

2. Ms.A.Veeramarthini, learned counsel for petitioner submits that the petitioner's spouse may be in illegal custody of her parents-in-law (absentee's parents).

3. Mr.R.Muniyapparaj, assisted by Mr.M.Sylvester John, learned State Additional Public Prosecutor, who accepts notice on behalf of both the respondents (official respondents) submits that a complaint was lodged in the Vellode Police Station, Erode District on 05.08.2019, an FIR was registered on 23.08.2021 vide Crime No.177 of 2021 and investigation reveals that the absentee is with his brothers in Poolakal Kadu, Alachur, Palakadu District, Kerala. On instructions, learned Prosecutor submits that there appears to be matrimonial discord between the petitioner and her spouse and the sole point appears to be that they do not have a child from



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the wedlock. There also appears to be some property dispute between the spouses is learned counsel's say.

4. Learned Prosecutor submits that it is not a case of illegal custody or illegal detention.

5. As it is not a case of illegal detention, we do not propose to embark upon a habeas corpus legal drill. This drops the curtains on the captioned HCP.

6. We make it clear that all the rights and contentions of the petitioner, absentee, who is not before us and all other parties concerned are preserved if there are legal proceedings in other Court/Courts or Forum/Fora.

Captioned HCP disposed of as closed albeit preserving the rights of all concerned in the aforementioned manner.

(M.S.,J.) (M.N.K.,J.)
15.03.2023

Index : Yes / No
Neutral Citation : Yes / No
gpa



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To

1. The Superintendent of Police
Erode District, Erode
2. The Inspector of Police
Vellode Police Station
Erode District
3. The Public Prosecutor
High Court, Madras.



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

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