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H.C.P.No.513 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.513 of 2023

R.Aasha

W/o.Rajarathinam

..

Petitioner

Vs.

1. The Commissioner of Police

Avadi

Chennai – 600 054

2. The Inspector of Police

T-6, Avadi Police Station

Chennai – 600 054

3. Ajaykumar @ Mathew

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent herein to produce petitioner's daughter-in-law xxx, wife of Praveen Kumar, aged 20 years, who is in illegal custody of the third respondent and set her at liberty.

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For Petitioner : Mr.C.Prabhu
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

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

The petitioner, mother of one Praveen Kumar, lodged a complaint stating that her daughter-in-law was found missing from 26.02.2023. It is stated that the marriage of petitioner's son with the detinue took place on 06.10.2022.

2. The learned counsel for the petitioner submits that when the petitioner and her son went to see her daughter at Thiruvotriyur and when they came back, they found that her daughter-in-law is missing and they also found that some jewels were missing. When the petitioner tried to contact her daughter-in-law, her phone was found to be busy and she is not answering the phone. Therefore, suspecting that her daughter-in-law may be kidnapped and kept under illegal custody of the third respondent, the petitioner has filed the present petition.



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3. Though the petitioner is not present before this Court today,

Mr.R.Muniyapparaj, learned Additional Public Prosecutor submits that the petitioner's daughter-in-law was humiliated and ill-treated by her husband as well as the petitioner and unable to withstand the cruelty, the detinue left the matrimonial home and went to her parental home at Vijayawada. The absentee's mother Shyamala is also present before this Court. The learned Additional Public Prosecutor further submits that on the complaint of the petitioner, the absentee was contacted and she informed that she is with her mother at Vijayawada and she would appear before this Court. Pursuant to said undertaking, the mother and daughter are present today.

4. During our interaction, the absentee confirms that there is a matrimonial discord and unable to withstand the humiliation, she left the matrimonial home. The absentee also stated that third respondent is none other than the cousin brother of her husband and she has no contact with him and false allegations have been made against them. During our interaction, we also find that there is no illegal detention of the absentee and she is with her mother.



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Recording the stated position, the present Habeas Corpus Petition is disposed of preserving all the rights of the parties herein to work out their remedy before the appropriate forum.

(M.S.,J.)

(M.N.K.,J.)

03.04.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

To

1. The Commissioner of Police
Avadi
Chennai – 600 054
2. The Inspector of Police
T-6, Avadi Police Station
Chennai – 600 054
3. The Public Prosecutor
High Court, Madras.

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

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