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H.C.P.No.841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

Coram

The Honourable Mr. Justice **C.V.KARTHIKEYAN**
and

The Honourable Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

H.C.P.No.841 of 2023

D.Krishnasamy

.. Petitioner

Vs.

1. The Superintendent of Police,
Salem District.

2. State represented by,
The Inspector of Police,
Idappadi Police Station,
Salem District.

3. C.Sathishkumar

4. Rajamani

5.P.Kumar

6. Selvi

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the body of the detainee *viz.* P.Nandhini, aged about 24 years, D/o. Pasa Gounder, whose whereabouts are not known for the past one month, before this Court and set her at liberty.

For Petitioner : Mr.R.Marudhachalamurthy

For R1 & R2 : Mr.A.Damodaran
Addl. Public Prosecutor

ORDER

[Order of the Court was made by *C.V.KARTHIKEYAN, J.*]

This habeas corpus petition has been filed by the petitioner seeking a direction to the second respondent to produce the body of the detainee *viz.* P.Nandhini, aged about 24 years, D/o. Pasa Gounder, before this Court and set her at liberty.

2. A third person to the marital life has filed the present petition seeking production of P.Nandhini, aged about 24 years, who is incidentally married to C.Sathishkumar, aged about 27 years, third respondent herein.



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They also have one daughter. The second respondent/Inspector of Police, Idappadi Police Station, Salem District, has produced the detainee along with her mother Rajamani, fourth respondent herein.

3. When the detainee was questioned, she stated that, she did not want to live with her husband. If she has to take decision, she has to take a decision in the manner known to law by filing appropriate petition and the law will always examine her grievance and provide her with adequate relief. But, this Court cannot hand over her custody to the petitioner herein, who is a third person to her marital life and the same would be encouraging extra marital relationship.

4. We also examined Rajamani, fourth respondent herein/mother of the detainee, who is also a resident of the same village in Salem District.

5. Today, A.Fathima (Mobile No.94981 66458), Women Grade I – 511, Poolampatty Police Police Station, Salem District, is present.



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6. This Court issues the following direction:

The detinue shall live with her mother/fourth respondent and parties if advised, shall approach the appropriate Court to get necessary orders and move forward in their lives.

7. The interest of the child will also have to be taken into consideration. The fourth respondent/ mother of the detinue is willing to take care of the detinue and also her child.

8. In view of this particular arrangement made, the habeas corpus petition stands disposed of by giving a direction to the second respondent to ensure that the detinue stays with her mother Rajamani, fourth respondent. It is also pertinent to point out that, neither the petitioner nor the third respondent is present in Court today.

(S.K.R.,J.)
nsd/sma

(C.V.K.,J.)

17.05.2023



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To

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1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Idappadi Police Station,
Salem District.
3. The Inspector of Police,
Poolampatty Police Station,
Salem District.
4. The Public Prosecutor,
High Court, Madras.



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C.V.KARTHIKEYAN, J.
and
SENTHILKUMAR RAMAMOORTHY, J.

sma

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