



HCP.No.852/2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

AND

THE HONOURABLE MR. JUSTICE SENTHILKUMAR
RAMAMOORTHY

HCP.No.852/2023

T.Muruganandavel

.. Petitioner

Versus

1.The Commissioner of Police,
Coimbatore City,
Coimbatore District.

2.The Assistant Commissioner of Police,
Pothanur Coimbatore City,
Coimbatore District.

3.The Inspector of Police,
Podhanur Police Station,
Coimbatore.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 3rd respondent to produce before this court, the petitioner wife Ambika aged about 29 years, petitioner children minor Diyasree aged about 6 years and minor Dhakshan aged about 4 years and set them at liberty.



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For Petitioner : Mr.K.Balasubramanian
For RR1 to 3 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

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

- (1) The detainee aged about 29 years with two children, one aged 6 years and the other aged 4 years, had been produced in Court.
- (2) The petition has been filed by her husband. He is also present in Court.
- (3) There are very specific allegations made by the husband/petitioner that the detainee had been taken away from his lawful custody by another individual named Sundar. However, the FIR does not reveal this fact. Still, if further information is given on this particular aspect, a direction is given to the 3rd respondent to take that particular information on record and proceed to investigate that information also.



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- (4) The detenue however had very clearly expressed her opinion that she wants to live in Tuticorin, near the residence of her mother. She does not want to go with the petitioner herein.
- (5) Learned Additional Public Prosecutor had also produced her undertaking that she would appear whenever called for during investigation. Since she had expressed in clear terms that she wants to go to Tuticorin, we cannot force her to go along with her husband. The petitioner will have to work out his remedy in the appropriate manner before the appropriate Forum. So far as the present Habeas Corpus Petition is concerned, there was an apprehension of detenue had gone missing and since she had been secured, no further orders can be passed. The petitioner can remain at peace since his wife is safe.
- (6) The Habeas Corpus Petition stands **closed**.

[CVKJ] [SKRJ]

18.05.2023

AP

Internet : Yes



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To

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Coimbatore City,
Coimbatore District.
- 2.The Assistant Commissioner of Police,
Pothanur Coimbatore City,
Coimbatore District.
- 3.The Inspector of Police,
Podhanur Police Station,
Coimbatore.
- 4.The Public Prosecutor
High Court, Madras.



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

AP

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