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H.C.P.No.1621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

H.C.P.NO.1621 OF 2023

P.Ramamoorthi

.. Petitioner

VS.

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

2. The Inspector of Police,
Uthukuli Police Station,
Tirupur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the petitioner's wife Archana, Hindu, aged about 33 years before this Court and set her at liberty.

For Petitioner : Mr.J.Bharathiraja

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by R.SAKTHIVEL, J.]

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2.Factual matrix in a nutshell is that petitioner married one 'Archana' [hereinafter shall be referred to as 'absentee' for the sake of brevity] aged 34 years; that the marriage was solemnized in the year 2012; that out of the wedlock one male child was born to them; that the petitioner lodged a complaint in Uthukuli Police Station (second respondent herein) on 18.06.2023 saying that the absentee is missing; that the second respondent registered a case in Crime No.213 of 2023 under 'Woman Missing' and investigating the matter; that the petitioner apprehends that the absentee may be in unlawful or illegal custody of her friend. Hence, this HCP is filed praying to produce his wife absentee before this Court and set her at liberty.

3.Today, Mr.J.Bharathiraja, learned counsel for petitioner, petitioner, absentee and Mr.E.Raj Thilak, learned Additional Public Prosecutor for respondents are before this Court.



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4.Learned Additional Public Prosecutor submits, on instructions, [instructed by Mr.P.Bharatiraja, Sub-Inspector of Police, Uthukuli Police Station] that the absentee had been located and she is now residing with her in-laws' along with her minor son. He further submits that the absentee on her own volition went along with his friend and now she voluntarily came back and is residing with her in-laws' at Gudalur Village, Harur Taluk, Dharmapuri District.

5.We have interacted with the petitioner and absentee one after the other. From the interaction with the absentee and the petitioner, the following points emerged:

i) The petitioner and absentee are husband and wife and they are majors;

(ii) The petitioner and absentee have a minor son and he is studying V Standard in private school at Harur. As of now, the minor son is under the care and custody of petitioner's parents at Gudalur Village, Harur Taluk, Dharmapuri District;



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(iii) Due to some misunderstanding between the petitioner and the absentee, she voluntarily left home and now she returned voluntarily and residing with petitioner's parents along with her minor son. Petitioner confirms and reiterates the above fact;

(iv) The absentee says that she is willing to go and reside with the petitioner. Petitioner is also willing to reside with the absentee;

(v) From the above interaction of the petitioner and the absentee, we are of the view that the absentee was not kept under illegal or unlawful custody of anybody.

6. In view of the facts and circumstances, we are inclined to close the HCP, however we preserve the rights of the petitioner, absentee and or anyone concerned of the absentee to approach a suitable Court/s / Fora / Authority, if need arises. If they approach the appropriate Court/s / Fora / Authorities with a suitable petition/s, the appropriate Court/s /



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Fora / Authorities shall consider the same on its own merits and in accordance with law uninfluenced by this order which has been made for the limited purpose of deciding the HCP on hand.

7.In view of the above facts and circumstances of the case, this HCP is disposed of as closed albeit preserving the rights and contentions of the parties in the aforesaid manner.

(M.S., J.)

(R.S.V., J.)

25.09.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking / Non-speaking
gpa/tk

To

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



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AND
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