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H.C.P. No.2034 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

H.C.P.No.2034 of 2023

Mohan

... Petitioner

Vs.

1.The Commissioner of Police,
Tambaram Commissionerate,
Shozhinganallur.

2.The Inspector of Police,
Maraimalainagar Police Station,
Chengalpattu District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of habeas corpus directing the 2nd respondent herein to produce the petitioner's wife M.Gomathi, aged about 30 years and minor children Yohith Pranav, aged about 8 years and Sujith Pranav aged about 4 years, before this Court and set them at liberty.

For Petitioner	:	Ms.U.Indumathi Uthayakumar
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor



H.C.P. No.2034 of 2023

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

Seeking a direction to the second respondent to produce the petitioner's wife M.Gomathi, aged about 30 years and the two minor children Yohith Pranav, aged about 8 years and Sujith Pranav aged about 4 years, before this Court and to set them at liberty, the present habeas corpus petition has been filed.

2. Petitioner has alleged that his wife is missing with their two minor children from 14.08.2023. It is the case of the petitioner that the petitioner and detenu loved each other and got married. It is stated that due to misunderstanding, the detenu left the matrimonial home along with the minor children. Therefore, the petitioner gave a complaint and a case was registered in Crime No.393 of 2023 dated 16.08.2023 for 'woman missing, boy missing'.

3. Today, the wife of the petitioner was produced before this Court along with two children. The wife of the petitioner informs this Court that she has left the matrimonial home on her own volition with her children for personal reasons and that she wants to be away from the petitioner.



H.C.P. No.2034 of 2023

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4. Though learned counsel for the petitioner states that the wife of the petitioner is now having an affair with someone, this Court cannot go into those allegations as she informs this Court that she will look after her children by getting employment. The wife of the petitioner further states that she is afraid of the petitioner as he is threatening her with dire consequences to return to matrimonial home.

5. The petitioner, therefore, is directed not to disturb or give any trouble to his wife. The petitioner shall not try to intimidate or threaten his wife in any manner as she is having right to protect herself as well as the children. The petitioner is advised to approach the appropriate Court for visitation right or custody.

6. In view of the above, this Court finds that this is not a case of illegal detention and accordingly, the habeas corpus petition stands closed.

(S.S.S.R., J.) (S.M., J.)
19.10.2023

Index : Yes / No
Neutral Citation : Yes / No
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- 3.The Public Prosecutor,
High Court, Madras.



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