



HCP.No.2251/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2251/2023

P.Ramesh

... Petitioner

Vs.

1.The Superintendent of Police
O/o.The Superintendent of Police
Tiruvannamalai District
Tiruvannamalai.

2.The Sub Inspector of Police
North Vanakkampadi Police Station
Chetpet Taluk, Thiruvannamalai District 604502.

3.Seetai

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, to direct the respondents to produce the petitioner's wife Tmt.R.Jeeva aged about 27 years, petitioner's son Vetrivelan aged about 2 years and petitioner's new born child before this Court and consequently direct them to be set them at liberty.



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For Petitioner : Mr.P.Kumaravel
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.Aravind.C

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The petitioner, husband of the detenue Jeeva and father of two minor children, has filed the present petition to cause production of his wife and children before this Court and to set them at liberty.
- (2)The case of the petitioner is that he had loved his wife and married her on 30.08.2020 and since the marriage was against the wishes of his wife's family, the petitioner had stated that he had some difficulties due to the intervention of the relatives of his wife. The petitioner further stated that he is working as Paddy cutting Machine operator and that he would stay away from his home continuously for long period to carry on his work. On 14.07.2023, when he returned home after completion of his work, he found that his wife and children were missing.
- (3)The petitioner further states that his wife was pregnant and he understood



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that his wife gave birth to a child in the hospital and thereafter, went along with her sisters. Though a complaint was lodged, the same is yet to be registered. It is in the said circumstances, the petitioner has approached this Court by filing the present writ petition.

(4)The learned Additional Public Prosecutor fairly submitted that the respondent police will take appropriate action after registering the case based on the complaint given by the petitioner herein.

(5)Having regard to the nature of allegations made in the affidavit filed in support of this petition, this Court finds that it is not a case of illegal detention as the petitioner's wife had gone with her sisters when the petitioner was continuously away from home for a long time. The petitioner has not stated in the affidavit, how he took care of his wife when she was pregnant and therefore, the petitioner's wife appears to have gone on her own.

(6)In such circumstances, this Court is of the view that the case can be dealt with by the respondent police on the basis of the complaint received by them.

(7)With a direction to the respondent police to register a case and to secure



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the detainee/wife of the petitioner herein and his two children within a period of four weeks from the date of receipt of a copy of this order and produce them before the learned Judicial Magistrate, Vandavasi, who shall record the statement of the detainee and pass orders, this Habeas Corpus Petition stands **closed**.

[S.S.S.R., J.] [S.M, J.]
21.11.2023

AP

Internet : Yes

To

- 1.The Superintendent of Police
O/o.The Superintendent of Police
Tiruvannamalai District
Tiruvannamalai.
- 2.The Sub Inspector of Police
North Vanakkampadi Police Station
Chetpet Taluk, Thiruvannamalai District 604502.
- 3.The Public Prosecutor, High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

AP

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