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H.C.P.No.2670 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02..01..2023

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.2670 of 2022

K.Kathirvel

..... Petitioner

-Versus-

1.The Superintendent of Police,
O/o The Superintendent of Police,
Salem, Salem District.

2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.

3.Suriya

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the 2nd respondent to produce the petitioner's wife – Sathiya, aged about 29 years, before this court from the custody of the 3rd respondent and set her at liberty.

For Petitioner : *Mr.G.Mohan*

For Respondents : *Mr.R.Muniyapparaj,*
Additional Public Prosecutor



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ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

This Habeas Corpus Petition has been filed seeking a direction to the 2nd respondent to produce the petitioner's wife – Sathya, aged about 29 years, before this court from the custody of the 3rd respondent and set her at liberty.

2. It is the case of the petitioner that he got married Sathiya (detenue) some time in the year 2012 and through the wedlock, he has 3 children viz., (i) Vaitheeswaran (aged about 10 years), (ii) Vaishnavi (aged about 8 years) and (iii) Navaneeshwaran (aged about t8 months); Suriya (3rd respondent) developed intimacy with Sathya and eloped with her earlier; on a complaint given by him, the police conducted an enquiry, secured Sathya, who returned to the matrimonial home assuring that he would not have any further relationship with the 3rd respondent; while so, again, Sathya went missing from 28.09.2022 and despite best efforts by him to locate her, he was not able to find about her whereabouts. Alleging that Sathiya is in the illegal custody of the 3rd respondent, the present habeas corpus petition has



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been filed.

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3. Today, when the matter was taken up for hearing, Mr.Govindan, Special Sub-Inspector of Police and Ms.C.Sasikala Devi, Special Sub-Inspector of Police, Tharamangalam Police Station were present. They produced Sathiya before us. The petitioner was also present.

4. When we enquired with Sathiya, she stated that she was blackmailed by the 3rd respondent with some photographs of hers in compromising positions and he was holding her in his thrall. She further stated he has now abandoned her and that she is residing alone in Magudamchavadi Village and Post, Sankagiri Taluk, Salem District. Her mobile number is 73588 15003. The petitioner, who was present in the court, expressed his willingness to accept Sathiya in the interest of the three children, who are with him, but, Sathiya stated that she is not willing to go with the petitioner for reasons best known to her.



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5. Since Sathiya is not in the illegal custody, no writ of habeas corpus can be issued as prayed for by the petitioner. Therefore, this Habeas Corpus Petition is closed with liberty to the parties to workout their remedies in the manner known to law.

(P.N.P., J.) (N.A.V.,J.)
02..01..2023

Index : yes / no
Neutral citation : yes / no
kmk

To

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Salem, Salem District.
- 2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court, Madras.



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AND
N.ANAND VENKATESH.J.,

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