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HCP.No.2299/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2299/2023

Velayutham

... Petitioner

Vs.

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

2.State rep.by
The Inspector of Police
Veerapandi Police Station
Tiruppur City.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, in the nature of Habeas Corpus directing the respondents 1 and 2 to produce Gowri wife of Velayutham aged about 36 years before this Court and set her at liberty.

For Petitioner
For Respondents

: Mr.K.Sudhakar
: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.Aravind.C



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ORDER

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

- (1)The petitioner, husband of the detenue Gowri, aged about 36 years, has filed the present petition to cause production of his wife, who is said to be missing from 25.07.2022, before this Court and to set her at liberty.
- (2)The case of the petitioner is that his wife Gowri was found missing from 25.07.2022. The petitioner had given a complaint on the same day and since, no efforts had been taken on the side of the respondent police, according to the petitioner, a representation was submitted by the petitioner on 08.05.2023.
- (3)Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice on behalf of the respondents.
- (4)The learned Additional Public Prosecutor on instructions states that the petitioner's complaint is at the CSR stage ; that the detenue appeared before the 2nd respondent police and stated that due to matrimonial dispute, she is away from her husband/petitioner herein and that she also expressed her unwillingness to go along with her husband herein.



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(5) It is in this circumstance, finding that it is a case of matrimonial discard and not of illegal detention, this Court directs the 2nd respondent police, to produce the detenue Gowri before the learned Judicial Magistrate No.IV, Tiruppur, within a period of four weeks from the date of receipt of a copy of this order, with due intimation to the petitioner. The learned Judicial Magistrate No.IV, Tiruppur, shall record the statement of the detenue and pass orders.

(6) This Habeas Corpus Petition stands **closed with the above direction.**

[S.S.S.R., J.] [S.M, J.]
28.11.2023

AP

Internet : Yes

To

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

2. The Inspector of Police
Veerapandi Police Station
Tiruppur City.

3. The Public Prosecutor,
High Court, Madras.



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

AP

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