



H.C.P.(MD) No.307 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.307 of 2023

Pazham

... Petitioner / Husband & Father
of the Detenue

Vs.

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

2.The Deputy Superintendent of Police,
Agasteeswaram Division, Kanyakumari.

3.The Inspector of Police,
Thenthamaraikulam Police Station,
Agasteeswaram Post, Kanyakumari District. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents herein to produce the body or corpus of the petitioner's wife Kavitha (Age 30 years) and



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daughter Babisha (Age 13 years) Detenues herein before this Court and set them at liberty forthwith.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner, seeking production of his wife, namely, Kavitha, aged about 30 years and daughter, namely, Babisha, aged about 13 years, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the respondent Police produced the two detenues ie., wife of the petitioner as well as the second daughter of the petitioner. When we enquired the wife of the petitioner, who is the first detainee, she would submit that there has been some quarrel between the petitioner and the first detainee ie., husband and wife. In the result, she along with her second daughter left to her sister's house at Chennai, where she lived with her and she along with her second daughter wants to stay back at her sister's house and does not want to join with the petitioner.



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3.By virtue of that, this Court feels that there is no illegal custody on the part of the detenues. Therefore, we feel that recording the statement made by the first detainee, this Habeas Corpus Petition can be closed. Accordingly, recording the aforesaid statement, this Habeas Corpus Petition is closed. Insofar as any further remedy, which the petitioner wants to pursue, is concerned, it is open to him to pursue it before the appropriate forum in the manner known to law.

(R.S.K., J.) & (K.K.R.K, J.)

13.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

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

2.The Deputy Superintendent of Police,
Agasteeswaram Division, Kanyakumari.

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AND

K.K.RAMAKRISHNAN, J.

MYR

3.The Inspector of Police,
Thenthamaraikulam Police Station,
Agasteeswaram Post, Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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