



HCP(MD)No.731 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.731 of 2023

Kaleeshwari

.. Petitioner / Daughter of Detenu

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Rameswaram,
Ramanathapuram District.

3.The Inspector of Police,
Utchipuli Police Station,
Ramanathapuram District.

4.Dharmaraj

5.Govindaraj

6.Viswanathan

7.Vellaisamy

.. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the person or body of the detenu namely Kalimuthan, S/o.Chellaiah, aged 61 years before this Court and set him at liberty.

For Petitioner : Mr.P.Mani Anandh
for Mr.C.Susi Kumar
For R-1 to R-3 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition is filed for issuance of a writ of Habeas Corpus to produce the person or body of the petitioner's father, namely, Kalimuthan, S/o.Chellaiah, aged about 61 years, before this Court.

2. The petitioner's father is an absconding accused in S.C.No.64 of 2012 on the file of the Additional District Court, Ramanathapuram. The petitioner's complaint dated 18.05.2023 has also been registered by the respondent Police in Crime No.142/2023 and the same is pending.



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3. It is not the case of the petitioner that her father is in the illegal custody of someone. On the other hand, it is seen that the petitioner's father has absconded and a non-bailable warrant has also been issued. When that be the case, this Court may not be justified in invoking Article 226 of the Constitution of India for the purpose of issuance of writ of Habeas Corpus.

4. Accordingly, the Habeas Corpus Petition stands dismissed.

(M.S.R.,J.) (M.N.K.,J.)
14.07.2023

NCC : Yes / No
Index : Yes / No
Lm



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