



HCP(MD)No.880 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2023

CORAM

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

H.C.P.(MD)No.880 of 2023

Sathya

... Petitioner / Wife of the detenue

Vs.

1.The Superintendent of Police,
Tanjavur District,
Thanjavur.

2.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

3.L.Veeramani

4.Poochi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the corpus or body of the petitioner's husband, namely, Thennavan,



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S/o.Lakshmanan, aged about 52 years before this Court from the illegal custody of the third and fourth respondents and set him at liberty.

For Petitioner : Mr.P.R.Boomee Rajan
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of one Thennavan. The 3rd respondent is the brother of the said Thennavan. The 4th respondent is the wife of the 3rd respondent. It is the case of the petitioner that her husband was kidnapped by the respondents 3 and 4 and that he is not traceable. Her complaint dated 06.07.2023 is pending before the 2nd respondent herein in C.S.R.No.526 of 2023. In this background, the present Habeas Corpus Petition has been filed.

2.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, submitted that there is a civil dispute



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for preparing a bogus settlement deed between the petitioner's husband and his brother / 3rd respondent, owing to which, the 3rd respondent had given a criminal complaint against her husband on 17.06.2023, which is pending before the 2nd respondent in C.S.R.No.451 of 2023, wherein the petitioner has also been named as accused along with her husband. In this regard, the petitioner's husband has also filed an application under Section 438 Cr.P.C., seeking for anticipatory bail before this Court in CrI.O.P.(MD)No.12552 of 2023, which was dismissed as withdrawn on 11.07.2023.

3.In view of the fact that the 3rd respondent has made a complaint, the petitioner's husband has been absconding from the Police and has filed anticipatory bail. Apparently, the petitioner's husband does not seem to be in the custody of the 3rd respondent. Now, the petitioner's complaint is before the 2nd respondent and appropriate remedy available to the petitioner would be to participate in the enquiry before the 2nd respondent. At this juncture, the learned Additional Public Prosecutor for the respondents 1 and 2 would submit that both the petitioner as well as her husband are not co-



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operating in the enquiry. If the petitioner has any concern about the missing husband, she should co-operate with the 2nd respondent Police during the enquiry.

4. With the above observation, this Habeas Corpus Petition is closed.

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

25.07.2023

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Superintendent of Police,
Tanjavur District,
Thanjavur.

2. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

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

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**M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.**

Yuva

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