



HCP(MD)No.875 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.07.2023

CORAM

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

H.C.P.(MD)No.875 of 2023

Meenakshisundaram

.. Petitioner/Husband of the
detenue

Vs.

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

2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the detenue namely Yokassri (aged 26 years) W/o.Meenakshisundaram before this Court and to set her at liberty.

For Petitioner : M/s.R.Vennila

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



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ORDER

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(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 body or person of the detenue, namely, Yokassri, who is the wife of the petitioner herein, before this Court and set her at liberty.

2. When the petitioner's wife, whom he had married on 27.05.2020, went missing from his house from 01.07.2023 onwards, he had given a complaint to the second respondent Police, which was registered in Crime No.140/2023 dated 11.07.2023 under woman missing. Since the petitioner's wife could not be traced within a reasonable time, the present Habeas Corpus Petition has been filed.

3. The learned Additional Public Prosecutor, on instructions, submitted that earlier, the petitioner's wife went missing on 29.06.2023 and thereafter, in the present instance, she left the house on 01.07.2023, in consequence to which the second respondent Police had also registered a case. The learned Additional Public Prosecutor also submitted that the investigation is in progress.



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4. Admittedly, the petitioner's wife is a major, aged about 26 years.

When the petitioner's wife, who is a major, had taken a conscious decision on her own not to live with the petitioner and her whereabouts were also being traced by the second respondent Police, this Court exercising its powers under Article 226 of the Constitution of India would not venture to entertain the prayer sought for in the present Habeas Corpus Petition. However, it is always open to the petitioner to work out his remedies in accordance with law.

5. With the above liberty, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
18.07.2023

NCC : Yes / No
Index : Yes / No
Lm



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



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and
M.NIRMAL KUMAR,J.

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