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H.C.P.(MD)No.2100 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.2100 of 2022

P.Radhakrishnan

... Petitioner

vs.

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

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

... Respondents

Prayer :- Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenue Dharshika, aged 33 years, wife of Radhakrishnan (the petitioner herein) before this Court and set her at liberty.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents

: Mr.R.M.S.Sethuraman
Additional Public Prosecutor



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ORDER

(Order of the Court was made by M.NIRMAL KUMAR, J.)

The petitioner apprehending that his wife namely, Dharshika, aged 33 years, is found missing and the respondent Police are not taking any effective steps to secure her, has filed the present petition.

2.The petitioner submits that the marriage between him and his wife was solemnized on 28.05.2009 at Rajapalayam as per Hindu rites and customs. Thereafter, due to his avocation, the petitioner left to Abu Dhabi, leaving his wife at her parental home at Kumbakonam as per her wishes. During the month of November, 2022, the petitioner planned to avail his leave and schedule the same from 09.12.2022 to 09.01.2023 and informed the same to his wife. As per the schedule, he departed from Abu Dhabi on 08.12.2022 and requested his wife to come to her matrimonial home at Rajapalayam and she was also pre-planned to reach the petitioner's house via train. Further, as per the schedule, his wife left Kumbakonam on 08.12.2022 at 11.30 a.m. after informing her mother-in-law at 01.30 p.m. As per the timing of the train if she travelled, she would reach at Rajapalayam nearly 7 to 8 p.m. on the same day, but she did not reach the home. The petitioner's mother and relatives were also made attempts to contact his wife through her Mobile Nos. 8072561143 and 7708553031, but it was replied that the mobile phone was switched off. Hence, the petitioner's mother-in-law lodged a complaint on 10.12.2022 and the



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petitioner has also lodged a complaint on 17.12.2022 to secure his wife. Thereafter, no action has been taken by the respondent Police. Having left with no other effective and efficacious remedy, the petitioner approached this Court by invoking its jurisdiction under Article 226 of the Constitution of India for the relief stated supra.

3.The learned Additional Public Prosecutor for the respondents submits that on the complaint of the petitioner's mother-in-law namely, Radhipriya, a case in Crime No.1203 of 2022 has been registered by the second respondent Police. Thereafter, during investigation, it was found that the petitioner's wife was found in Trichy Railway Station along with her travel bag, which has been recorded in C.C.T.V. Camera and thereafter, she was regularly in contact with one Sardhar, who was residing at Salem. Further, on enquiry with his mother Jinath, she informed that on 07.01.2023 her son went to Kerala for his job.

4.The learned Additional Public Prosecutor further submits that after obtaining Call Detail Records (CDR), further progress of the case would reveal the fact and all the steps are being made to secure the detainee. The further progress of the investigation will be informed to the petitioner and as and when the detainee is secured, while producing her before the concerned Judicial Magistrate, the same will also be informed to him.



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5. In view of the above, finding that the defenue is a major and all steps are being taken by the respondent Police to secure her, this Habeas Corpus Petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SMN2

[M.S.R., J.]

[M.N.K., J.]

03.07.2023

To

1. The Superintendent of Police,
District Police Office,
Thanjavur District.
2. The Inspector of Police,
Thiruvudaimaruthur 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.

SMN2

ORDER MADE IN
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