



HCP(MD)No.1491 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1491 of 2023

K.Arumugam

: Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to secure and produce the detenu by name Lavanya wife of Arumugam aged 25 years and Puja, daughter of Arumugam aged 06 years, before this Hon'ble Court and set them at liberty.

For Petitioner : Mr.S.Jainab Beevi

For Respondents : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor



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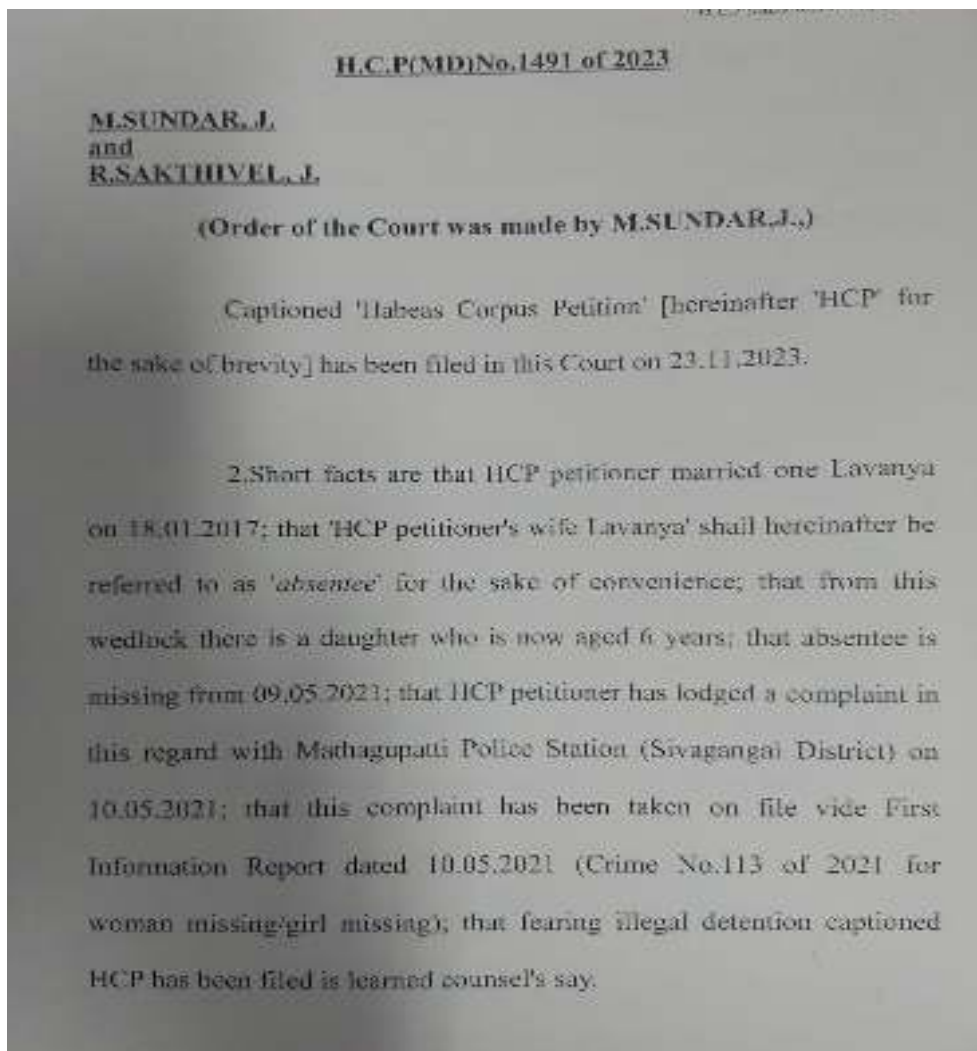


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ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Habeas Corpus Petition' ('HCP' for the sake of brevity) was listed in the Admission Board before this Court day before yesterday (29.11.2023) and the following proceedings / order was made. A scanned reproduction of the same is as follows:





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3.Ms.S.Jainab Beevi, learned counsel for HCP petitioner who is before us, adverting to the aforesaid facts submitted that the concern is primarily for 6 years old minor daughter and the fear is she might be in illegal custody of undesirable elements.

4.Issue notice.

5.Mr.R.Meenakshi Sundaram, learned State Additional Public Prosecutor accepts notice for both respondents.

6.Learned Prosecutor on instructions from second respondent (Mr.B.Manikandan, Inspector of Police, Mathagupatti Police Station) submits that investigation is under way, they have got some leads and four weeks would be a reasonable time frame to crack the matter.



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7. List after four weeks.

8. List on 03.01.2024.


[M.S., J.] 
[R.S.V., J.]
29.11.2023

ps

2. The aforementioned proceedings / order dated 29.11.2023 made in the Admission Board captures the crux and gravamen of the matter and therefore, we are not setting out the same again here in this final order. Suffice to say that the aforementioned 29.11.2023 order shall now be read as an integral part and parcel of this final order.

3. This also means that the abbreviations, short forms and short references used in the aforementioned Admission Board order dated



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29.11.2023 shall continue to be used in this final order also for the sake of convenience and clarity.

4. Today, captioned matter was mentioned saying that the absentee and her six years old minor daughter (minor daughter from the wedlock of absentee with the petitioner) are before this Court.

5. Ms.S.Jainab Beevi, learned counsel for HCP petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public prosecutor are before us.

6. This Court is informed that there is a marital discord between the HCP petitioner and the absentee. Now that the six years old minor child is with the absentee (mother) and as we are informed that the absentee has left the matrimonial home on her own volition voluntarily and more particularly, as it is not a case of illegal detention or unlawful custody, habeas legal drill on hand is given a closure. In other words, we drop the curtains on the habeas legal drill but we preserve all the rights and contentions of HCP petitioner, absentee and or any one concerned with the matter to workout



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their remedy in family Court GAWA Court (to be noted, 'GAWA' stands for 'Guardians and Wards Act, 1890') or any other appropriate Court/s/Forum/Fora/Authority/Authorities. If any other Court/s/Forum/Fora/Authority/Authorities are moved, it shall consider the matter on its own merits and in accordance with law de hors the closure of captioned HCP.

7. Captioned HCP is disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

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Neutral Citation : Yes/No
Index : Yes/No
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To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.SUNDAR, J.

and

R.SAKTHIVEL, J.

vsm

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