



HCP(MD)No.68 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.68 of 2024

Arokiya Reganraj ... Petitioner/Husband & father of the
detenues

Vs.

1.The State represented
through the Superintendent Police,
O/o.the Superintendent of Police,
Thanjavur.

2.The Inspector of Police,
O/o.the Inspector of Police,
Swamimalai Police Station,
Thanjavur.

3.The Inspector of Police,
O/o.The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Habeas Corpus directing the respondent Nos.1 to 3 to produce the body or person of the petitioner's wife namely Jeyaprabha, wife of Arokiya Reganraj, aged about 24 years Minor.A.Sham Riyan, Son of Arokiya Reganraj, aged about 5 years before this Hon'ble Court and set them at liberty forthwith.



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For Petitioner : Mr.S.Prabha

For Respondents : Mr.RMS.Sethuraman,
Addl. Public Prosecutor

ORDER

(Order of the Court was made **by J.NISHA BANU, J.**)

This Habeas Corpus Petition has been filed by the petitioner seeking for a direction to the respondent Nos.1 to 3, to produce the body or person of the petitioner's wife namely Jeyaprabha, wife of Arokiya Reganraj, aged about 24 years, Minor.A.Sham Riyan, Son of Arokiya Reganraj, aged about 5 years before this Hon'ble Court and set them at liberty forthwith.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor, on instructions, would submit that as there was a dispute between the husband and wife, in the year 2021 also, the wife of the petitioner and child were missing. In this regard, based on the complaint given by the petitioner a case was registered and thereafter, after conducting enquiry, the said case was closed. Now, again, the wife of the petitioner and the child are missing and on the same ground, this habeas corpus petition is filed.



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3. We have heard the learned counsel appearing on either side and perused the affidavit filed support of this petition.

4. A bare perusal of the affidavit filed in support of this petition shows that the petitioner has not stated anything about the earlier complaint and the closure of the said case, which is a clear abuse of process of law.

5. Hence, this Habeas Corpus Petition is dismissed.

[J.N.B.,J.] & [K.K.R.K.,J.]

12.01.2024

Index :Yes/No

NCC :Yes/No

pm

To

1.The Superintendent Police,
O/o.the Superintendent of Police, Thanjavur.

2.The Inspector of Police,
O/o.the Inspector of Police, Swamimalai Police Station,
Thanjavur.

3.The Inspector of Police, O/o.The Inspector of Police,
Nachiyarkovil Police Station, Thanjavur.

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



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J.NISHA BANU, J.
AND
K.K.RAMAKRISHNAN, J.

pm

ORDER MADE IN
HCP(MD)No.68 of 2024

12.01.2024