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H.C.P.(MD) No.76 Of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) No.76 of 2024

Sevathamani

...Petitioner/Wife of the missing person

-VS-

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

2.The Inspector of Police,
Thiruverumbur Police Station,
Trichy and District.

3.Rengasamy

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the person or body of the denue/petitioner's daughter namely, Vinitha, daughter of Shankar, aged 25 years before this Court and set her at liberty.

For Petitioner : Mr.R.Jegadeeswaran



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H.C.P.(MD) No.76 Of 2024

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

ORDER

DR.G.JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.

This habeas corpus petition has been filed by the mother of the detinue, seeking for a direction to the respondents 1 and 2 to produce the person or body of the denue/petitioner's daughter namely, Vinitha, daughter of Shankar, aged 25 years before this Court and set her at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner is the mother of the missing person, Vinitha, aged about 25 years and the third respondent is the husband of the missing person. Alleging that her daughter is missing since 27.11.2023, a complaint was lodged by the Petitioner stating that her son-in-law Rengasamy, the third respondent herein had driven out her daughter after causing cruelty and suspecting that there is serious foul-play in the so-called complaint, registered at the behest of the third respondent/Rengasamy in Crime No.546



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of 2023, the present Habeas Corpus Petition is filed.

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4.Serious allegations have been made as against the Police for their inaction. However, investigation has turned out, wherein, it was found that the said allegations are false and made with some motive. The detenue Vinitha present before this Court today and on enquiry, she has stated that due to physical cruelty, she has left her husband Rengasamy and she has filed a H.M.O.P before the Sub-Court, Sathyamangalam.She has further stated that she left her husband, the third respondent herein on her own. She has further submitted that her mother know about the facts and for the reasons best known, the Petitioner has filed the present Habeas Corpus Petition, suppressing the fact and making allegations against the third respondent.

5.Since this Court finds that the daughter of the Petitioner is alive and she had left her husband, the third respondent herein, on her own and had initiated divorce proceedings against her husband, which is now pending, the Habeas Corpus Petition stands dismissed, as devoid of merits.

[G.J.,J.] [C.K.,J.]

26.02.2024



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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

- 1.The Superintendent of Police,
District Police Office,
Trichy and District.
- 2.The Inspector of Police,
Thiruverumbur Police Station,
Trichy and District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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vsn

ORDER MADE IN

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26.02.2024