



H.C.P.(MD).No.132 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2024

CORAM

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

H.C.P.(MD).No.132 of 2024

Saravanan

.. Petitioner/Husband of detenue

Vs.

State represented by

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

2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

3.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the persons or bodies of the detenus namely Ilakiyaboopathy @ Saranya wife of Saravanan aged 30 years, Yokitha Sri daughter of Saravanan aged 10 years and Thebash son of Saravanan aged about 8 years before this Court and set them at liberty.



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For Petitioner : Mr.S.K.Muthamil Venthan
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.

and

C.KUMARAPPAN,J.

The detenue/wife of the petitioner has borrowed loans from women self-help group and owe money to several persons. To avoid repayment, she is hiding herself. Three persons have lodged complaints against the detenue for cheating them. While so, the husband of the detenue has filed this petition alleging that his wife has quarreled with him on 13.09.2023 and left the home and her whereabouts are not known. He has given a written complaint to the respondent Police, which is under investigation in Crime No.181 of 2023. The present Habeas Corpus Petition is filed to bring the body or person of Ilakiyaboopathy @ Saranya and her two children.

2. The respondent Police was directed to file a composite report about the progress of the investigation in Crime No.181 of 2023 and also the crime numbers registered based on the complaints of three persons against the detenue as stated above.



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3. Pursuant to the investigation conducted in Crime No.181/2023, the respondent Police has traced the petitioner's wife and children at Chembrakulam near Theni District. The petitioner's wife is working in an Estate as a labourer. It appears that fearing action by certain financial groups, who have lent money to her, she is hiding herself besides domestic quarrel with her husband.

4. Since the petitioner's wife and children are alive and the petitioner's wife is not ready to join with the petitioner, the Habeas Corpus Petition is dismissed. It is open to the petitioner to seek appropriate remedy in the manner known to law for restitution of conjugal rights and custody of the children, if he is so advised.

(G.J.,J.) (C.K.,J.)
04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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



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