



H.C.P.(MD).No.324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.04.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Karutha Pandi

.. Petitioner / Husband and
Father of Detenues

Vs.

1.The Commissioner of Police,
Commissioner Office,
Madurai City,
Madurai District.

2.The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
(Crime No.82 of 2024)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the second respondent to produce person or body of the petitioner's daughter namely Kanika Shree, D/o.Karuthapandi, aged about 3 years old and wife namely Sathya W/o.Karuthapandi aged about 29 years old, before this Court and set them at liberty.



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For Petitioner : Mr.S.Ayyanar Prem Kumar
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The Habeas Corpus Petition is filed by the petitioner seeking production of his wife and daughter before this Court.

2. The case of the petitioner is that he got married to one Sathya and out of wedlock, they have a girl child, Kanika Shree, aged about 3 years. While so, on 12.02.2024, his wife had gone to her parental home at about 10.00 AM and that she did not return home and since he was unable to find out her whereabouts, he had given a complaint, based on which, a case in Crime No.82 of 2024 was registered. Since the respondent Police did not take further action to trace the petitioner's wife and daughter, he had filed this Habeas Corpus Petition.



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3. Pursuant to issuance of notice, the matter is listed today. When the matter is taken up today, the alleged detainee Sathya and her child appeared before this Court through a counsel, Mr.B.Muneeswaran (Enrl.No.745/2005).

4. We enquired the alleged detainee. She submitted that she got married to the petitioner on 10.11.2019 and she delivered a girl child during the year 2020. She further submitted that initially her married life was smooth, but later, she came to know that her husband was a drug addict and was also involved in criminal activities and he had also under the influence of drugs assaulted her and thereby, she on her own volition, left the matrimonial home. She also submitted that she is now staying at Aruppukottai and working there. Since she sensed trouble from the petitioner, she had gone to Aruppukottai Police Station and during such time, she came to know about the pendency of this Habeas Corpus Petition and thereby, she had appeared before this Court. She also submitted that she is not in illegal custody of anybody and she expressed that she is not willing to go along with her husband.



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5. Recording the above statement and finding that the alleged detainee is not in illegal detention and that the child is with the mother, the Habeas Corpus Petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
23.04.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Commissioner of Police,
Commissioner Office,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
K.RAJASEKAR,J.

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