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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

H.C.P.(MD) No.416 of 2024

Loordu Backiyam ... Petitioner

-vs-

1.The Superintendent of Police
Thoothukudi, Thoothukudi District

2.The Deputy Superintendent of Police
Thoothukudi, Thoothukudi District

3.The Inspector of Police
Sooranкudi Police Station
Thoothukudi, Thoothukudi District ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to produce the body or person of the detenues minor namely, Anshika, daughter of Loordu Backiyam, aged about ½ years and Antony Packia Paralogarani, wife of Loordu Backiyam, aged about 21 years and produce them before this Court and set them at liberty and handover the custody of the petitioner children L.Anshika to the petitioner.

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For Petitioner : Mr.K.Dinesh

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

For Detenues : Mr.Vishnuvardhan

O R D E R

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure his wife, namely, Antony Packia Paralogarani, aged about 21 years and minor daughter, namely, Anshika, aged about 06 months, produce them before this Court, set them at liberty and handover their custody with him.

2. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that during enquiry, the respondent – Police tracked the detenues to be living in Chennai and based on the information received, the wife of the petitioner had appeared before the respondent – Police along with her child and accordingly, they have been produced before this Court by the respondent – Police today.

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3. We enquired the petitioner's wife / detenue. On enquiry, she submitted that her husband / petitioner is her maternal uncle and since he had suspected her fidelity and tortured her, she had gone out of the matrimonial home without informing him and she is not interested to go along with her husband / petitioner. She has also submitted that earlier, based on the complaint given by her mother, she was summoned by the respondent – Police for enquiry and at that time, she had expressed her unwillingness to go along with her husband. She further submitted that she is not in illegal detention of anybody.

4. Recording the above submission of the detenue, namely, Antony Packia Paralogarani, this habeas corpus petition is closed. However, the petitioner is at liberty to workout his remedy in accordance with law.

[A.D.J.C., J.] [K.R.S., J.]

16.04.2024

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

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To:

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

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

3.The Inspector of Police,
Sooranкudi Police Station,
Thoothukudi,
Thoothukudi District.

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

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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

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