



H.C.P(MD)No.575 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P(MD)No.575 of 2024

P.Ramar ... Petitioner/Husband of the detenu

vs.

1.The Superintendent of Police,
Dindigul.

2.The Inspector of Police,
Kodaikanal All Women Police Station,
Dindigul. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the respondents 1 and 2 herein to secure the detenu namely Ramalakshmi, D/o.Manikandan, aged about 46 years and produce before this Court and set her at liberty.

For Petitioner : Mr.P.Manikandan

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



H.C.P(MD)No.575 of 2024

WEB COPY

ORDER

(Order of the Court was made by R.N.MANJULA, J.)

The petitioner, who is the husband of the alleged detenu, has filed this Habeas Corpus Petition seeking a direction to the respondents 1 and 2 to secure the detenu, namely, Ramalakshmi, D/o.Manikandan, aged about 46 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to the alleged detenu in the year 2002 and they were blessed with two children. While so, in February 2024, she went to her parental home. When he had gone to her matrimonial home and enquired, his in-laws did not disclose the whereabouts of the alleged detenu. In such circumstances, he preferred a complaint to the respondent – Police on 13.03.2024 and it has been registered in C.S.R. However, no action has been taken by the respondent to trace the alleged detenu. Hence, he has filed this Habeas Corpus Petition.

3. Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice for the respondents, on instructions, would submit that the very same petitioner has given an earlier complaint on the allegation that



H.C.P(MD)No.575 of 2024

WEB CRYM

his wife (alleged detenu) was missing. A case has been registered in C.S.R and after securing her, on enquiry, it came to light that there was a matrimonial dispute between the petitioner and the alleged detenu and hence, the case was closed as a matrimonial dispute between the petitioner and the detenu. Now, the petitioner has once again filed this Habeas Corpus Petition alleging that the detenu has been missing.

4. The learned counsel appearing for the petitioner would submit that the children of the couples are under the custody of the petitioner and the birth certificates and School Transfer Certificates of the children are said to be in the custody of the detenu.

5. Since the children are in the custody of the petitioner, we would expect the second respondent to take steps to recover the certificates of the children in the interest of the children and hand them over to the petitioner. Since it is only an observation, in case of non-compliance, the petitioner is not entitled to file any contempt application. However, the petitioner is at liberty to seek an appropriate relief before the appropriate forum, in the manner known to law.



H.C.P(MD)No.575 of 2024

WEB COPY

6. Since there are no *prima facie* reasons made out, this Habeas Corpus Petition is **dismissed**.

[R.N.M.,J.] [C.K.,J.]
22.05.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The Superintendent of Police,
Dindigul.
- 2.The Inspector of Police,
Kodaikanal All Women Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.575 of 2024

R.N.MANJULA,J.
and
C.KUMARAPPAN,J.

ps

ORDER MADE IN
H.C.P(MD)No.575 of 2024

DATED : 22.05.2024