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H.C.P.(MD)NO.759 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.759 of 2024

Kathiresan

... Petitioner / Husband of the detenu

Vs.

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

2. The Deputy Superintendent of Police,
Oomachikulam,
Madurai District.

3. The Inspector of Police,
Oomachikulam police station,
Madurai District.

4. G.Manivelan

... Respondents

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body (or) person of the petitioner's wife Azhagumeena, D/o.Kannan aged about 23 years and the petitioner's minor son Chithra Hariharan, S/o.Kathiresan, aged about 5 years and Sivachandra Hariharan, S/o.Kathiresan aged about 3 years before this Court and set them at liberty.



For Petitioner : Mr.G.Balaji
For R-1 to R-3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

2. The peitioner complains that his wife is missing along with their children. The petitioner himself alleges that his wife is engaged in extra marital affair with the fourth respondent.

3. The learned Additional Public Prosecutor informed this Court that the mobile phone location indicates that she is presently in West Bengal. It appears to be a clear case of elopement.

4. We are satisfied that the petitioner's wife is not in anybody's illegal custody. Admittedly, she is aged about 23 years. The petitioner



will have to pursue his remedy with the third respondent police. This

WEB CO HABEAS Corpus petition is dismissed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

5th November 2024

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

To:

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Oomachikulam,
Madurai District.
3. The Inspector of Police,
Oomachikulam police station,
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