



H.C.P.(MD) No.881 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

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

H.C.P.(MD) No.881 of 2024

P.Yuvaraj

... Petitioner

-VS-

1.The Inspector of Police (Law & Order)
Palanichettipatti Police Station,
Theni District.

2.The Superintendent of Police,
Theni District, Theni-1.

3.M.Moorthy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the detenu Koushalya, aged 23 years, daughter of Karuppasamy with minor child Dushaanth (aged 4 years), son of P.Yuvaraj before this Court and set them at liberty.



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For Petitioner

:Mr.M.Ramasubramanian

For R1 & R2

:Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the husband of the detenu seeking to produce the alleged detenu namely Koushalya, aged 23 years, daughter of Karuppasamy with minor child Dushaanth (aged 4 years), son of P.Yuvaraj before this Court and set them at liberty.

2. The case of the petitioner is that from 07.04.2024 his wife was in wavering mood and not concentrated on the family works she was at her parental home. After two days his wife along with his child came to his house, but left on the next day itself to their parents' home. On 18.05.2024 the petitioner's wife came to the house along with her father, took all the relevant records pertaining to her and the child and took money to the tune of Rs.1,15,000/- with 4 sovereign of gold chain, abruptly left to her parental home. He came to understand that his wife and the child were forcefully taken by the third respondent to his native



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place on 22.05.2024. Therefore, the petitioner has sent a petition to the second respondent and the Palanichettipatti Police Station for further action. The third respondent has registered a case under Woman Missing and Boy Missing on 30.05.2024. Since no further action was taken, the petitioner has filed the present habeas corpus petition before this Court.

3. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that the missing person has gone along with the third respondent for second time. Earlier during the month of April, 2021 the missing person had gone along with the third respondent and based on the complaint given by the petitioner before the Veerapandi Police Station, enquiry was conducted and the missing person was traced and thereafter she was living with the petitioner. Now, once again she has left along with the third respondent and based on the complaint given by the petitioner, a case in Cr.No.226 of 2024 has been registered on 30.05.2024 under "Woman Missing and Boy Missing". He would further submit that the investigation of the case is in progress and as and when the detenu and her child are traced or secured it will be intimated to the petitioner.



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4. In view of the above, we find that the detenu is not an illegal detention of anybody. Therefore, this Habeas Corpus Petition is closed with a direction to the respondents 1 & 2 to continue with the investigation and as and when the detenu is traced or secured, it has to be informed to the petitioner.

[A.D.J.C., J.] [K.R.S., J.]
23.07.2024

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

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Theni District.
- 2.The Superintendent of Police,
Theni District, Theni-1.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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