



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) No.1613 of 2023

D.Nishanth Thangam ... Petitioner/Husband of the detenue

-VS-

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District. ... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus to direct the Police to produce the detenue's namely Priya, wife of Nishanth Thangam, aged 26 years , Soundarya, daughter of Nishanth Thangam, aged 3 years



and Pugazharasan, son of Nishanth Thangam, aged 1 year bodily or in person before this Court and set them at liberty.

For Petitioner : Mr.R.K.Arjun Raj
for Mr.M.Anantharaj

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN.,J
AND
C.KUMARAPPAN.,J

This Habeas Corpus Petition has been filed by the husband of the detenues seeking a direction to the respondents Police to produce the detainee's namely, Priya, wife of Nishanth Thangam, aged 26 years, Soundarya, daughter of Nishanth Thangam, aged 3 years and Pugazharasan, son of Nishanth Thangam, aged 1 year bodily or in person before this Court and set them at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner herein is husband of one Priya. The present



Habeas Corpus Petition is filed by him alleging that his wife has deserted him, taking along with her two children born to them. To trace his wife and children, complaint to Police lodged. Hence, this Habeas Corpus Petition.

4. This is not the first time the wife of the Petitioner deserting him. Earlier, when they were living in Coimbatore, she left the house leaving a letter stating that she is not interested in living with the Petitioner and want to live with the person with whom she is in love. On the complaint given by the Petitioner to the Periyanaickenpalayam Police, Coimbatore District, a case was registered in Crime NO.77 of 2022 and thereafter, Priya, wife of the Petitioner was secured. She joined with the petitioner and thereafter, they have shifted the family from Coimbatore to Ramanathapuram. At Ramanathapuram, scene has been once-again enacted by her. This time, she left a letter saying that she does not like to live with the Petitioner. A Complaint has been registered by the Sayalkudi Police in Crime No.240 of 2023, which is under investigation since 15.11.2023.

5.The learned counsel for the Petitioner states that earlier,



within three days of the complaint, Periyanaickenpatti Police was able to trace the Petitioner's wife, but this time, even after a lapse of three months, the respondents-Police was not able to trace her and the children.

6.The learned Additional Public Prosecutor appearing for the respondents submit that on the complaint given by the Petitioner, the Sayalkudi Police Station has taken up the investigation and pamphlets were circulated with the photo of the missing lady and other details. A special team has been formulated consisting of Mr.Muthuramalingam, Head Constable and two other Grade-I Police. The call details of the phone numbers furnished by the complainant has been collected and monitored. The missing lady along with her paramour are shifting their place of residence and presently, the special team has identified that they are near Ghaziapad, Delhi. But the team which went to Delhi found that they have again shifted their place of residence. Therefore, serious efforts are taken to trace the missing lady and if any information about her is received, the same will be reported.



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7.This Court taking note of the status report filed by the second respondent, closes the Habeas Corpus Petition, with a direction to the respondents Police to continue their search of the missing lady and the children. If there is any progress in the investigation, same to be informed to the complainant/Writ Petitioner.

[G.J.,J.] [C.K.,J.]

20.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Sub-Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.

vsn

ORDER MADE IN
H.C.P.(MD) No.1613 of 2023

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