



H.C.P(MD)No.655 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

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Kumar

... Petitioner/

Husband and father of the detenues

-Vs-

1.The State of Tail Nadu, Rep by
The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

3.Hari

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the body or person of the petitioner's wife Abirami(detenuue) aged 25 years before this Court and the petitioner's daughter namely Rama, aged about 3



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years and petitioner's son Vetri, aged about 1 year and set him at liberty.

For Petitioner : Mr.M.Murugesan

For R1 and R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor

For R3 : Mr.S.Selvakrishnan

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

Alleging that the petitioner's wife along with her children were found missing from 15.05.2025 and despite registering a case in Crime No.196 of 2025 by the second respondent for Woman Missing, Girl Missing and Boy Missing, no action has been taken, the petitioner has filed the present Habeas Corpus Petition.

2.When the matter is taken up for hearing today, the learned Additional Public Prosecutor, on instructions, would submit that based on the complaint given by the petitioner, a case in Crime No.196 of 2025 has been registered by the second respondent. The learned Additional Public Prosecutor would further submit that this is not the first instance the petitioner's wife had earlier left the



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matrimonial home on 29.08.2024 and based on the complaint given by her mother, a case in Crime No.237 of 2025 was registered by the second respondent. During the course of investigation, the woman along with the children were secured and the missing person refused to go along with her husband and thereby, she was allowed to stay in the Home along with her children and that the earlier complaint was closed as further action was dropped. The learned Additional Public Prosecutor further submitted that subsequently, the petitioner has taken the missing person along with her children to the matrimonial home and he had again harassed and committed cruelty on the missing person and thereby she had left the matrimonial home, on 15.05.2025.

3.He would further submit that the petitioner, who is well aware that the missing person had gone out on her own accord due to ill-treat and harassment, has filed this frivolous petition thereby abusing the process of this Court. He would submit that based on the complaint, enquiry was conducted and the missing person had earlier approached this Court in CrI.O.P(MD)No.9558 of 2025 seeking a direction not to harass her or compel her appearance and this Court found that there was a matrimonial dispute and closed the said petition.



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4.The missing person submitted that she was married the petitioner in the year 2019 and out of wedlock, two children were born and he has continuously harassed her and committed matrimonial cruelty and thereby, the missing person has gone out of the house on her own accord along with the children and that the petitioner is well aware of the case.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

6.From the aforesaid submissions, we find that the petitioner who is well aware that the missing person had gone out on her own accord due to matrimonial cruelty, has come up with the present petition as if his wife was missing and hence it is a fit case for imposing cost of Rs.15,000/-. The petitioner is directed to deposit the said amount before this Court within a period of one week from the date of receipt of a copy of this order. On such deposit being made, the missing person is permitted to withdraw the same.



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7. With the above observation, this Habeas Corpus Petition stands dismissed.

[A.D.J.C.,J.] & [R.P.,J.]
17.06.2025

NCC:Yes/No

Index:Yes/No

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To

- 1.The State of Tail Nadu, Rep by
The Superintendant of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA.,J.

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ORDER MADE IN

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