



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM:

**THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM**

H.C.P (MD) No.1120 of 2015

Saranya

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM DISTRICT.
2. THE INSPECTOR OF POLICE,
ABHIRAMAM POLICE STATION, ABHIRAMAM,
RAMANATHAPURAM DISTRICT.
3. KATIRESAN
4. MEENAKSHI
5. PONNUSAMY
6. JOTHIRAJ
7. RAJAVALLI

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ to produce the body or Detenue namely Dharmar, S/O. Kathiresan aged about 33 years before this Hon ble Court and set him at liberty.

For petitioner : Mr.K.Seemaraj
For respondents : Mr.T.Mohan
Additional Public Prosecutor

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Wife has sought for a writ of Habeas Corpus against the respondents 3 to 7, in-laws.



2. Material on record discloses that husband has filed HMOP for divorce on the file of the Subordinate Court, Paramakudi. Wife/petitioner has filed a maintenance case in M.C.No.12 of 2015 on the file of the learned Judicial Magistrate, Kamuthi. She has also filed an application under the Domestic Violence Act No.1 of 2015 on the file of the learned Judicial Magistrate, Kamuthi. She has preferred a complaint against her husband, parents and in-laws in Crime No.4 of 2015 and that so far he has not appeared for enquiry. Alleging that in-laws, respondent Nos.3 to 7 have detained her husband, the writ of Habeas Corpus is sought for.

3. From the above, it could be deduced that parties have estranged their relationship. Wife has chosen to give a complaint against her husband and in-laws in Crime No.4 of 2015. She has also chosen to file an application under the Domestic Violence Act. Husband has chosen to file HMOP for divorce which is stated to be pending on the file of the Subordinate Court, Paramakudi. While facts stood thus, the allegation of detention against the respondents 3 to 7, cannot be countenanced, as it is a matter for the police to enquire, into the crime registered.

4. For the reasons stated supra, we are not inclined to issue any writ of Habeas Corpus. Accordingly, the Habeas Corpus Petition is dismissed.

sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

rj2
To:

1. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM DISTRICT.
2. THE INSPECTOR OF POLICE,
ABHIRAMAM POLICE STATION, AHIRAMAM,
RAMANATHAPURAM DISTRICT.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
+1CC to Mr.K.Seemaraj ADV.Sr.No.42730

H.C.P (MD) No.1120 of 2015
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GJM 28.8.15-2P-5C