



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU****and**THE HONOURABLE MR.JUSTICE **V.S.RAVI****H.C.P(MD)No.1209 of 2015**

S.Santhanakumar

.. Petitioner

Vs.

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

2.The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam,
Virudhunagar District.

3.S.Rajaram

4.Karuppayammal

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents 1 & 2 to produce the body or person of the petitioner's wife/detenué namely Rukumani, aged about 24 years before this Court and set her at liberty forthwith.

For Petitioner : Mr.T.Indrachithu
For RR 1 & 2 : Mr.K.S.Duraipandian
Additional Public Prosecutor.
For RR 3 & 4 : Mr.S.Duraisaravanan

O R D E R

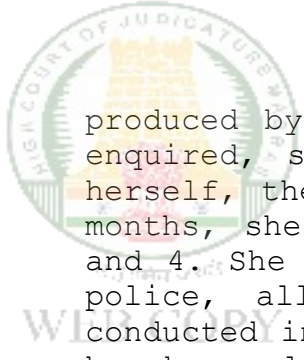
[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the husband of one Mrs.Rukumani, aged 24 years. On the allegation that she has been detained illegally by the respondents 3 and 4, who are her parents, the petitioner has come up with this petition.

2. We have heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the State and the learned counsel appearing for the respondents 3 and 4.

<https://hcservices.courts.gov.in/hcservices/>

3. Today when the matter was taken up, Mrs.Rukumani has been



produced by the second respondent before this Court . When this Court enquired, she told that after the marriage between the petitioner and herself, there was no love last between them and for about more than six months, she has been living with her parents, namely, the respondents 3 and 4. She would further state that she earlier made a complaint to the police, alleging that the petitioner had tortured her. Enquiry was conducted in the said petition. Thus according to her, the fact that she has been all along living with the respondents 3 and 4, is well known to the petitioner. The said statement is recorded. The petitioner is not present before this Court.

4. In our considered view, this Habeas Corpus Petition is a clear abuse of process of Court to convert the Habeas Corpus Petition jurisdiction as a matrimonial jurisdiction. Knowing fully well that Mrs.Rukumani is living with her parents, the petitioner has come to this Court with this Habeas Corpus Petition, wasting the time of this Court as well as the police. Therefore, this Habeas Corpus Petition is liable to be dismissed with cost. However, considering the fervent request made by the learned counsel for the petitioner, we desist from imposing cost. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

pjl/smn

To

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

2.The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.DuraiSaravanan Advocate Sr.No.53203

GJM/JGB/DP/SARI-22.9.15-2P-5C

ORDER MADE IN
H.C.P (MD) No.1209 of 2015
Dated : 08.09.2015