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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1192 of 2015

T.Ushananthini

.. Petitioner

Vs.

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

2.The Inspector of Police,  
Vanniyampatti Police Station,  
Srivilliputhur,  
Virudhunagar District.

3.K.Thanagaraj

.. Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to produce the body of the petitioner's husband T.Thamaraikani, S/o.Thangaraj, aged 32 years, who is under the illegal custody of the 3<sup>rd</sup> respondent before this Court and set him at liberty.

For Petitioner : Mr.C.Vakeeswaran

For RR 1 & 2 : Mr.K.S.Duraipandian

Additional Public Prosecutor

For R3 : No appearance

#### O R D E R

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

The petitioner claims to be the wife of one Mr.Thamaraikani, S/o.Thangaraj, aged 32 years. According to her, Mr.Thamaraikani has been found missing from 10.06.2014. Therefore, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and also perused the records carefully.

3. A perusal of the complaint given by the petitioner to the second respondent would go to show that Mr.Thamaraikani had developed illicit intimacy with one Sudha, who happens to be his brother's wife. He was reprimanded by the petitioner. It is because of the same, he is absconding.

4. The learned Additional Public Prosecutor would submit that the complaint is under enquiry.



5. In our considered view, since it appears to be the case of elopement and there is no allegation of any illegal detention, there is no scope to pass any direction as prayed for in this petition. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,  
Virudhunagar District,  
Virudhunagar.
- 2.The Inspector of Police,  
Vanniyampatti Police Station,  
Srivilliputhur,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.C.Vakeeswaran,Advocate SR.No.49751

ORDER MADE IN  
H.C.P (MD) No.1192 of 2015  
28.08.2015

PJL/RR

NS/SKS-RR/11.09.2015 : 2P/5C