



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No. 1253 of 2015

Sumathi @ Sumi Priya

.. Petitioner

Vs.

The Inspector of Police,
Nagar Police Station,
Karaikudi,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondent to produce the body or person of the petitioner's husband namely J.P.Gopinath, S/o.U.Jeya Prakash, aged 38 years, the detenu in the present case, before this Court and set him at liberty.

For Petitioner	:	Mr.V.M.Balamohan Thampi
For Respondent	:	Mr.K.S.Duraipandian
	v	Additional Public Prosecutor.
For Detenu	:	Mr.T.Senthikumar

O R D E R

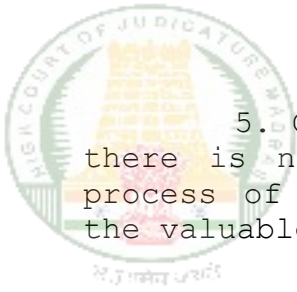
[Order of the Court was made by **S.NAGAMUTHU,J**]

The petitioner is the wife of one Mr.J.P.Gopinath, S/o.U.Jeya Prakash, aged 38 years. According to the petitioner, her husband's whereabouts are not known. Therefore, she 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 State and perused the records carefully.

3.Mr.T.Senthilkumar, has intervened in this matter, representing Mr.J.P.Gopinath, on his instructions. He would submit that Mr.J.P.Gopinath is now employed in Torrand, Canada. He has been paying Rs.25,000/- every month to the petitioner towards her maintenance. There is a criminal case in Crime No.21 of 2012 on the file of the Karaikudi All Women Police Station against the detenu and his parents. Mr.J.P.Gopinath has filed H.M.O.P.No.86 of 2010 in the Sub Court, Sivagangai for divorce and that is also pending.

4. The learned counsel for the petitioner would submit that the petitioner has filed H.M.O.P.No.145 of 2010 for restitution of conjugal rights and that was also allowed.



5. Considering the facts and circumstances we are of the view that there is no illegal detention and the petitioner has only abused the process of this Court by filing this Habeas Corpus Petition and wasted the valuable time. Therefore, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

PJL/SMN

To

1.The Inspector of Police,
Nagar Police Station, Karaikudi,
Sivagangai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.V.M.Bala Mohan Thampi Advocate Sr.No.49377

GJM/AN/MP/SARJ-4.9.15-2P-4C

ORDER MADE IN
H.C.P (MD) No.1253 of 2015
26.08.2015