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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.01.2015

Coram

THE HONOURABLE MR.JUSTICE A.SELVAM

AND

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P. (MD) No.48 of 2015

Palanichamy Anil Genaral Paul

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai, Madurai District.

2.The Inspector of Police,
Sellur Police Station,
Madurai District.

3.Jeyalakshmi

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or person of the detenu namely Jenani W/o.Palanichamy Anil Genaral Paul aged about 26 years before this Court and set her at liberty.

For Petitioner : Mr.M.Jegadeeshpandian
for M/s.K.J.Associates

For RR - 1 & 2 : Mr.T.Mohan
Addl.Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J.**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to trace out and produce the detenu by name Jenani, alleged wife of the petitioner.

2. It is represented on the side of the petitioner that the petitioner has married the detenu and since the detenu has left matrimonial abode SMOP No.240 of 2013 has been filed on the file of the concerned Family Court for getting the relief of restitution of conjugal rights, wherein, an *ex parte* decree has been passed.



3. The learned Additional Public Prosecutor has also ascertained the institution of SMOP No.240 of 2013 and also passing of an *ex parte* decree.

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4. Considering the fact that the petitioner has already obtained a decree in SMOP No.240 of 2013, question of illegal custody does not arise and therefore, the present Habeas Corpus Petition deserves to be dismissed.

5. In fine, this Habeas Corpus petition is dismissed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Madurai, Madurai District.
- 2.The Inspector of Police,
Sellur Police Station,
Madurai District.
- 3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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