

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.8.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

H.C.P.No.1758 of 2016

Tamilselvi

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Petitioner

vs.

1. State rep. by
The Inspector of Police,
Valasaravakkam Police Station,
(Royla Nagar),
Valasaravakkam, Chennai.

2. The Inspector of Police,
W-27, All Women Police Station,
Vadapalani,
Chennai-600 026.

3. Joseph

4. Anand

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to cause the production of the body or person of petitioner's husband J.David, son of Joseph, aged 26 years, before this Court and set him at liberty.

For Petitioner

:

Mr.Saravana Kumar

For R1 & R2

:

Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of one Mr.David, s/o. Jospeh aged 26 years. According to the petitioner, she married the detenu on 18.08.2015 and out of the said marriage, now she is pregnant. There appears to be some matrimonial dispute between her and the detenu. Now the detenu is along with respondents 3 and 4, who are the father and brother-in-law. Calling the same as illegal detention, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. A perusal of the complaint made by the petitioner to the police would reveal that there is no love lost between the petitioner and the detenu and there is some matrimonial dispute. It is because of the same the detenu is residing with his father and brother-in-law. This cannot be stated to be illegal detention. The matrimonial dispute cannot be resolved under the Habeas Corpus jurisdiction. Thus, we are not able to grant the relief as prayed for in this petition.

4. Therefore, the Habeas Corpus Petition is dismissed. It is for the petitioner to work out his remedy in the manner known to law.

(S.N.,J.) & (G.C.,J.)
19.8.2016

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Index: Yes/No

**S.NAGAMUTHU.J.,
and
G.CHOCKALINGAM, J.**

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To

The Inspector of Police,
Valasaravakkam Police Station,
(Royla Nagar),
Valasaravakkam, Chennai.

2. The Inspector of Police,
W-27, All Women Police Station,
Vadapalani,
Chennai-600 026.

3. The Public Prosecutor, High Court,
Madras.

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