



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P. (MD) No.1186 of 2016

Sethu @ Sumathi : Petitioner

Vs.

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai District.
- 3.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai, Madurai District.
- 4.Saraswathi
- 5.Mohan : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the petitioner's husband, namely Mari, son of Mohan, aged about 32 years before this Court who is under the illegal custody of the respondents 4 and 5 and set him at liberty.

For Petitioner : Mr.S.Alagusundar

For Respondents 1to3 : Mr.A.Ramar,
Additional Public Prosecutor

**ORDER**

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner is the wife of one Mr.Mari, S/o.Mohan, aged 32 years. According to the petitioner, the marriage between them was celebrated on 20.05.2009 and thereafter, they were living happily as husband and wife. The petitioner would further submit that from the month of April, 2016, her husband has been found missing. In this connection, according to the petitioner, the complaint made by the petitioner to the first respondent has been forwarded to the second respondent. The second respondent is enquiring into the same. Since her husband has not been rescued by the police, the petitioner is before this Court with the present Habeas Corpus Petition.

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

3. The learned Additional Public Prosecutor would submit that the complaint is being enquired as a petition by the second respondent. He would further submit that the detenu had illicit intimacy with one Durga and on account of the same, there was a frequent quarrel between the petitioner and her husband and that is the reason why, her husband has gone out of the matrimonial home and has been hiding elsewhere. The said statement is recorded.

4. Since we are satisfied that it is not a case of either abduction or illegal detention, we are unable to grant the relief as prayed for in this Habeas Corpus Petition. We are inclined only to issue a direction to the second respondent to register a case and investigate the matter in accordance with law.

5. The Habeas Corpus Petition is dismissed with the above observation.

Sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To
1.The Commissioner of Police,
Madurai City,



2.The Inspector of Police,
All Women Police Station,
Madurai South,
Madurai District.

WEB COPY

3.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai, Madurai District.

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

Order made in
H.C.P. (MD) No.1186 of 2016

Dated:
19.09.2016

SMA/PV/26/09/2016 :3P/5C