



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.36 of 2016

Ilayaraja

.. Petitioner/Husband of detenu

Vs.

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

2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

3.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.

4.Valli

5.Chitra

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body and person of the petitioner's wife Meenal D/o.Sevagun, female, aged about 19 years before this Court and set her at liberty.

For petitioner : Mr.K.Senthurpandian

For respondent Nos.1to3 : Mr.R.Ramachandran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J.]

After arguing for a while, the learned counsel for the petitioner came forward to withdraw the Habeas Corpus Petition and made an endorsement seeking the permission of this Court to withdraw the Habeas Corpus Petition. During the course of the arguments before the said endorsement was made, this Court opined that there was no prima facie material to prove the marriage and that there was no prima facie case made out for abduction. The learned counsel for the petitioner, who wanted to withdraw the Habeas Corpus Petition with liberty to approach the Family Court for restitution of conjugal rights, has chosen to make a cryptic endorsement with an ulterior motive with the intention of filing a further Habeas Corpus Petition. The complaint and the affidavit filed in support of the Habeas Corpus Petition reveals the fact that without there being any compulsion, the alleged detenu went along with her sister, who is the fourth respondent, to the house of her mother.



2. In view of the said facts and circumstances, this Court has to infer that the petitioner himself is of the view that he cannot succeed, if he approaches the Family Court for restitution of conjugal rights and he wants a short cut route to accomplish the same by approaching this Court with the present Habeas Corpus Petition. In the absence of valid material to prove the marriage and also in the absence of prima facie proof of abduction or confinement exercising the writ jurisdiction for the issue of Habeas Corpus will amount encouraging the abuse of process of Court. Of late, people have started to think that the marriage is not a sacrament and they do not attach any sanctity for the institution of the marriage. This Court does not want to endorse its approval for a relationship akin to a matrimonial relationship, that too, at the instance of the person, like the petitioner. Hence, we are inclined to dismiss the Habeas Corpus Petition, as it does not even deserve to be admitted. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub AssistantRegistrar

To:

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.A.S.Rajeswari, Advocate Sr.No.1637

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ORDER MADE IN
H.C.P(MD)No.36 of 2016
08.01.2016