



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P. (MD) No.554 of 2016

Tmt.Angel Rani : Petitioner
Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.

3.P.L.Selvan

4.Helan Bency Malar : 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 and 2 herein to produce the person or body of detenu namely Selva Jenifer, D/o.P.L.Selvan, aged about 24 years, wife of the petitioner's brother from the illegal detention of third and fourth respondents and set her at liberty.

For Petitioner : Mr.A.Saravanan
For Respondents 1&2 : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

The petitioner has come up with this Habeas Corpus Petition alleging that the wife of her brother is in illegal detention and her life is in danger. The petitioner, therefore, seeks a direction to the first and second respondents to produce the body of detenu-Selva Jenifer before this Court and set her at liberty.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the first and second respondents.



3. The factual matrix of this case clearly indicates that the attempt of the petitioner is to restrain the detenu from re-marrying during the currency of the appeal filed by her brother to set aside the *exparte* decree of divorce.

4. The affidavit filed in support of the Habeas Corpus Petition clearly indicates that the detenu filed a divorce petition before the Family Court and obtained an *exparte* decree of divorce. The brother of the petitioner filed an appeal against the decree along with an application to condone the delay. The detenu, in the meantime, took steps to re-marry. It was only under the said circumstances, the petitioner has come up with a false statement that the detenu is now detained by the third and fourth respondents. There is absolutely no *bona fide* in filing this petition. The Habeas Corpus Petition was filed only at the instance of the brother of the petitioner, who is determined to oppose the grant of divorce. We, therefore, do not find any merit in the Habeas Corpus Petition.

5. In the result, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 2.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SM

JA-NGM-MP/SAR.I/15.6.2016/2P-4C

Order made in
H.C.P. (MD) No.554 of 2016

Dated:

01.06.2016