



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P.[MD].No.1097 of 2017

S.Pandeeswari

: Petitioner

Vs.

1. The Superintendent of Police,
Madurai District.

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

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body of the petitioner's husband, namely, K.Raja, aged about 37 years and her son, namely, R.Vijayaranjan, aged about 2 ½ years, before this Court and set them at liberty.

For Petitioner : Mr.B.Vinothkumar

For Respondents : Mr.A.Ramar
Additional Public Prosecutor

O R D E R

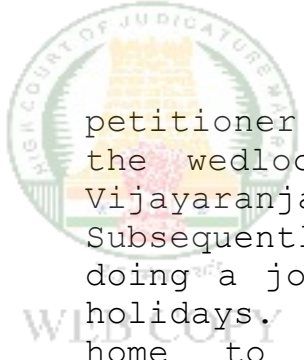
[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by the wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's husband, namely, K.Raja, aged about 37 years and her son, namely, R.Vijayaranjan, aged about 2 ½ years, before this Court and set them at liberty.

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

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3. It is stated in the affidavit that the marriage between the



petitioner and the detenu was solemnized on 13.06.2013. Out of the wedlock, they are blessed with one male child, by name, Vijayaranjan in the year 2014 and a female child in the year 2015. Subsequently, due to some misunderstanding, her husband went for doing a job at Coimbatore. He used to come to Madurai during his holidays. On 09.03.2017, the petitioner went to her matrimonial home to attend her relative's function. Subsequently, on 15.03.2017, her husband came to her matrimonial home to meet her and her children. Thereafter, he requested her to allow his son to be with him at Coimbatore for some period. Then, he went to Coimbatore along with his son. Thereafter, there was no response from him and he did not even contact the petitioner. Though sufficient efforts were made to contact her husband, she was not able to contact him and hence, she sent a representation to the respondent police on 18.07.2017 to trace out her husband. Since no effective steps have been taken by the respondent police, the present Habeas Corpus Petition has been filed.

4. When the matter came up for hearing on 27.07.2017, the detenu was produced before this Court and considering the nature of dispute between the parties, both of them were sent to Mediation and Conciliation Centre attached to this Bench for amicable settlement. But, mediation could not succeed. Therefore, the matter was posted before this Court.

5. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the husband of the petitioner was produced before this Court on 27.07.2017 and the minor child was not produced on that day. Therefore, she sought for a direction to the police to produce her son before this Court.

6. But we are not inclined to entertain the prayer sought by the petitioner, since from the averments made in the affidavit, it appears that it is only a family dispute between the husband and wife, and the proper remedy for the petitioner lies before the Civil Court by way of filing a GWOP. Hence, this Habeas Corpus Petition is liable to be closed. Accordingly, this petition is closed. However, liberty is given to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Superintendent of Police,



Madurai District.

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

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

+ 1 cc TO Mr.B.Vinothkumar , Advocate in SR No. 83161

PJL

AE/KP/SAR4/02.11.2017/3P/5C

ORDER MADE IN
H.C.P. [MD] .No.1097 of 2017
20.10.2017