



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.(MD) No.11 of 2017

Muthuselvi

... Petitioner

-vs-

1.The Superintendent of Police
Tirunelveli District
Tirunelveli

2.The Inspector of Police
Panakudi Police Station
Tirunelveli District

3.Danavathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the person or body of the detinue, namely, Radhakrishnan, son of Jebamani, aged 34 years, the husband of the writ petitioner before this Court and set him at liberty.

For Petitioner : Mr.K.Sulthan Allowthin

For Respondents : Mr.T.Mohan
Addl. Public Prosecutor
for R1 and R2
No appearance for R3

O R D E R

[Order of the Court by T.S.SIVAGNANAM, J.]

Heard Mr.K.Sulthan Allowthin, learned counsel appearing for the petitioner and Mr.T.Mohan, learned Additional Public Prosecutor appearing for the respondents 1 and 2.



2. The petitioner has filed this Habeas Corpus Petition seeking direction upon the respondents to produce her husband, namely, Radhakrishnan, son of Jebamani, aged 34 years, before this Court and set him at liberty.

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3. It appears that soon after the wedding, the petitioner and the detenu got separated and it is stated that the matrimonial life existed only for two months. Further, it appears that the divorce petition filed by the detenu was dismissed for default and he has not paid any maintenance amount to the petitioner / wife sofar.

4. When we questioned the detenu, he stated that he went to Chennai and he is not interested to go with the petitioner / wife. On the other hand, the petitioner wishes to live with the detenu / husband and she is not inclined to accept any settlement from the detenu / husband to bring an end to their relationship. When the Court suggested the parties for mediation, the detenu / husband emphatically refused the same. Thus, we find that there is no illegal detention of the detenu.

5. Accordingly, the habeas corpus petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SKM/KRK

VB/JC/SAR4/17.04.2017/2P/4C