



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

WEB COPY THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1233 of 2017

Umayya Parvathi

: Petitioner

Vs.

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

2. The Sub-Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

3.Lakshmanan

4.Maharasi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the body of the detenu, namely, Muthukrishnan @ Raj, S/o.Lakshmanan, aged about 35 years, before this Court and set him at liberty.

For Petitioner

: Mr.V.Sasi Kumar

For Respondents 1 & 2 : Mr.A.Ramar

Additional Public Prosecutor

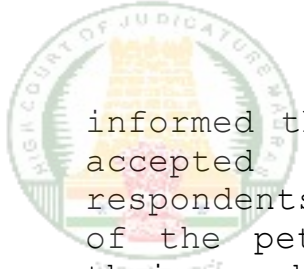
For Respondents 3 & 4 : No Appearance

ORDER

[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 second respondent to produce the person or body of the detenu, namely, Muthukrishnan @ Raj, S/o.Lakshmanan, aged about 35 years, before this Court and set him at liberty.

2. According to the petitioner, on 24.07.2011, at about 08.00 P.M, one Muthukrishnan @ Raj tied Mangalasutra on her neck in the absence of the her parents. When the parents of the petitioner came to know about the same, they brought the issue before the Village Elders and in the presence of the Village Elders, Muthukrishnan @ Raj conceded that he had tied Mangalasutra and



informed that the petitioner is his wife. Though the marriage was accepted by the petitioner and other village people, the respondents 3 and 4, who are the Mother-in-law and Father-in-law of the petitioner, have not accepted the same. However, out of their wedlock, a male child was born namely Deepak. Even thereafter, the respondents 3 and 4 induced the husband of the petitioner and on account of the same, the petitioner's husband consumed poison and admitted in the hospital and thereafter, the petitioner's husband was taken away by the respondents 3 and 4 from the hospital.

3. The petitioner's husband filed H.M.O.P.No.161 of 2011 on the file of the Principal Sub-Court, Tenkasi, for divorce and the same was dismissed for default, on the ground of non-appearance of his husband. Thereafter, in the year 2012, the petitioner filed Domestic Violence case in M.C.No.14 of 2012, on the file of the District Munsif cum Judicial Magistrate, Sengottai and the same was ordered, directing the petitioner's husband to pay a sum of Rs.8,000/- per month to the petitioner and her son. Thereafter, in order to execute the order made in M.C.No.14 of 2012, the petitioner filed a petition in Crl.M.P.No.3467 of 2015. In the meantime, the petitioner's husband contacted the petitioner and informed that the respondents 3 and 4 had blackmailed him not to join with his wife and son.

4. In short, it is the contention of the petitioner that the petitioner's husband wants to live with her, but the respondents 3 and 4, who are none other than the father-in-law and mother-in-law of the petitioner, detained her husband illegally. Therefore, the petitioner lodged a complaint before the second respondent and the second respondent police issued CSR.No.332 of 2017. Since there were no effective steps taken by the second respondent police to trace out the detenu/petitioner's husband, she has come up with the present Habeas Corpus Petition.

5. We have heard the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6. A reading of the entire affidavit filed in support of the Habeas Corpus Petition, it is evident that the dispute between the petitioner and her husband is purely a family dispute. The respondents 3 and 4 are none other than the father-in-law and mother-in-law of the petitioner, against whom the petitioner alleges that they have detained her husband illegally. Absolutely, we do not find any merit in this Habeas Corpus Petition to issue a direction, as prayed for by the petitioner. The petitioner is making an attempt to seek remedy in a family dispute matter by

<https://hcs.csr.courts.gov.in/Habeas>

Habeas Corpus Petition alleging that her husband is in illegal custody. We are, therefore, of the view that this Habeas Corpus Petition deserves to be dismissed.



7. In the result, the Habeas Corpus Petition is dismissed with liberty to the petitioner to approach the appropriate forum.

Sd/-

Assistant Registrar(CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.V.Sasi Kumar, Advocate Sr.No.81559

NB

VB/KP/SAR4/12/10/2017/3P/5C

ORDER MADE IN
H.C.P. [MD] .No.1233 of 2017
04.10.2017