



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1379 of 2017

M.Mandhiralakshmi

: Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.

3.Subbu Ayya
4.Veyil Ammal

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to find out Murugan, S/o.Subbu Ayya, aged 36 years, who is the petitioner's husband from the illegal custody and produce him before this Court and set him at liberty.

For Petitioner	:	Mrs.Lakshmi Gopinathan
		For M/s.Polax Legal Solutions
For Respondents 1&2	:	Mr.A.Ramar
		Additional Public Prosecutor
For Respondents3&4	:	No Appearance

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 detenu, namely, Mr.Murugan, S/o.Subbu Ayya, aged 36 years, from the illegal custody and produce him before this Court and set him at liberty.

2. According to the petitioner, she is a Staff Nurse. The marriage between her and her husband took place on 03.06.2011. ~~As per the marriage, they were living at Cuddalore. However, on account of some misunderstanding between them and due to the instigation of the respondents 3 and 4, who are none other than~~



the father-in-law and mother-in-law of the petitioner, her husband filed a Divorce Petition in H.M.O.P.No.169 of 2014 before the Sub-Court, Kovilpatti. But, due to non-prosecution of the case, the said Divorce Petition was dismissed. Thereafter, the detenu has been missing. The petitioner also enquired about the whereabouts of her husband with the respondents 3 and 4, but, no proper reply was received. The grievance of the petitioner is that the respondents 3 and 4 should have detained her husband under illegal custody. Under the above stated circumstances, the petitioner lodged a complaint before the second respondent on 21.08.2017. Since there were no effective steps taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. On a perusal of the averments, we find 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 allegation that they have detained her husband illegally. With this allegation, we are of the considered opinion that this Court cannot entertain the Habeas Corpus Petition. However, it is represented by the learned counsel appearing for the petitioner that the complaint given by the petitioner, with regard to the family dispute is pending with the second respondent. Thus, the petitioner is at liberty to pursue the complaint before the second respondent police and work out her remedy.

4. The Habeas Corpus Petition is closed with the above observation.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thoothukudi District.
 - 2.The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to M/S.Polax Legal Solutions, Advocate SR.No. 81756

ORDER MADE IN
H.C.P.[MD].No.1379 of 2017
05.10.2017