



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P. [MD].No.1413 of 2017

M.Vellaiswamy : Petitioner

Vs.

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

2.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

3.The Sub-Inspector of Police,
Valanadu Police Station,
Trichy District.

4.Nagaraj

5.Lakshmi

6.Kamalam

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the body of the detenus, namely, Chitra, aged about 33 years and Sabarinathan, aged about 3 years, before this Court from the illegal custody of the respondents 4,5 and 6 and their men, before this Court and set them at liberty.

For Petitioner : Mr.M.J.Shabu Jose

For Respondents 1to3 : Mr.A.Ramar

Additional Public Prosecutor

For Respondents 4to6 : No Appearance

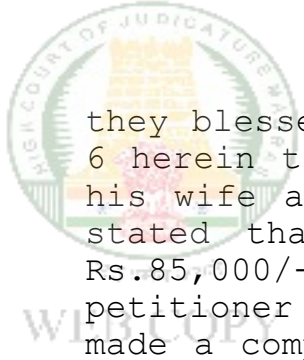
O R D E R

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

The present Habeas Corpus Petition has been filed by the husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 herein to produce the body of the detenus, namely, Chitra, aged about 33 years and Sabarinathan, aged about 3 years, before this Court from the illegal custody of the respondents 4, 5 and 6 and their men, before this Court and set them at liberty.

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

2. According to the petitioner, the marriage between him and the first detenu was solemnized ten years back. Due to the wedlock,



they blessed with six children. On 21.08.2017, the respondents 4 to 6 herein trespassed into the house of the petitioner and took away his wife and his three year old son - Sabarinathan. It is further stated that the respondents 4 to 6 also took away a sum of Rs.85,000/- and seven sovereigns of gold jewels, which the petitioner had kept at his home. In this connection, the petitioner made a complaint before the second respondent. 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. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu along with her three years old child - Sabarinathan. When we enquired the detenu, she has stated that on account of the harassment given by the petitioner, unable to tolerate the same, on her own volition, she went out of the home. She has further stated that she is not in illegal custody.

4. A reading of the entire affidavit filed in support of the Habeas Corpus Petition and considering the statement made by the detenu, it is evident that the dispute between the petitioner and her husband is purely a family dispute. Absolutely, we do not find any merit in this Habeas Corpus Petition to issue a direction, as prayed for by the petitioner. We are, therefore, of the view that this Habeas Corpus Petition deserves to be dismissed.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
- 3.The Sub-Inspector of Police,
Valanadu Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NB

JS/GT/SAR.1/30.10.2017/2P-5C

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ORDER MADE IN

H.C.P. [MD] .No.1413 of 2017

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