



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No.1459 of 2017

M.Jeyakumar : Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

3.Palthangam : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the 2nd respondent to produce the body or person of the detenu namely, A.Suja aged 44 years, the petitioner's wife and the petitioner's children namely, J.S.Jenish aged 13 and J.S.Jesmi aged 11 years before this Court and set them at liberty.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.A.Ramar
R1 and R2 Additional Public Prosecutor

ORDER

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

The petitioner is the husband of the first detenu, namely, Suja and father of the 2nd and 3rd detenu. It has been stated that the marriage between the petitioner and the 1st detenu took place in the year 2003 and out of the wedlock, she begotten two children, namely, J.S.Jenish and J.S.Jesmi/2nd and 3rd detenu. While so, in the year 2004, the petitioner went abroad for work on a contract basis for three years. He was regularly paying money to the detenu. On completion of the contract period, he returned to India 05.09.2017 and when, he went to see his wife to



Nagercoil, they were not present. Since he could not trace them, he lodged a complaint. Since no effective steps were taken, he is before this Court with this petition.

2. Today, when the matter was taken up for hearing, the detenu were produced before this Court.

3. When we enquired, the first detenu stated that on her own volition, she left home due to the harassment given by the petitioner. However, she had stated that she got separated him 10 years back and she expressed her willingness to go along with her children.

4. We also enquired the petitioner.

5. In view of the statement made by the detenu, we are of the opinion that the dispute is purely a family dispute between the parties, for which, they have to seek remedy only before the Family Court and this Habeas Corpus petition is not a remedy. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.R.Maheswaran , Advocate in SR No. 83174

RR

AE/KP/SAR1/03.11.2017/2P/5C

Order made in
H.C.P. (MD) No.1459 of 2017
Dated: 20.10.2017