



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1484 of 2017

M.Praveena

: Petitioner

Vs.

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

2.The Inspector of Police,
Cumbum North Police Station,
I/c. Rayappan Police Station,
Theni District.

3.Thiraviyam

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the body or person of the petitioner's husband, the detenu namely, Kabileswaran, S/o.Thiraviyam, aged about 22 years, now illegally detained by the third respondent before this Court and set him at liberty.

For Petitioner

: Mr.D.Rameshkumar

For R1 & 2

: Mr.A.Ramar

Additional Public Prosecutor

For R3

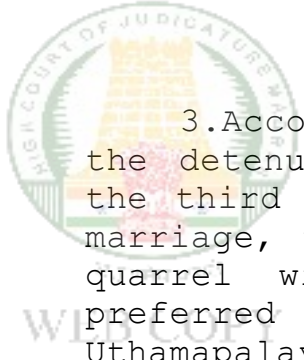
: Mr.M.Maran

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 1 & 2 to produce the body or person of the petitioner's husband, the detenu namely, Kabileswaran, S/o.Thiraviyam, aged about 22 years, now illegally detained by the third respondent before this Court and set him at liberty.

<https://hcservices.courts.gov.in/hcse/Mrs.D.Rameshkumar>, learned counsel appearing for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor appearing for the respondents 1 and 2.



3. According to the petitioner, the marriage between her and the detenu was solemnized on 06.07.2017, without the consent of the third respondent, who is the father of the detenu. After the marriage, the third respondent and his family members picked up a quarrel with the petitioner and the detenu and hence, she preferred a complaint before All Women Police Station, Uthamapalayam, on 07.07.2017 and the marriage was duly registered before the Sub-Registrar on 13.07.2017. It is further represented that on 13.07.2017, the third respondent and his family members came to the petitioner's house and abducted her husband and also threatened her with dire consequences. In this connection, the petitioner made a complaint before All Women Police Station, Uthamapalayam. On receipt of the said complaint, the respondent police registered a case on 21.07.2017 in Crime No.16 of 2017 for offence under Sections 498-A and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. Since there were no effective steps taken by the respondent police, the petitioner has come up with the present Habeas Corpus Petition.

4. Today, when the Habeas Corpus Petition was taken up for consideration, the respondent police produced the detenu. When we enquired the detenu, he has stated that on account of torture given by the petitioner, on his own volition, he went out of the home. He has further stated that he is not in the illegal custody of any one and he is not willing to go along with the petitioner.

5. 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. However, the petitioner is at liberty to work out her remedy before the appropriate forum.

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

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,

<https://hcservices.theni.gov.in/hcservices>,

Theni.



2.The Inspector of Police,
Cumbum North Police Station,
I/c. Rayappan Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.D.Rameshkumar, Advocate SR.No. 83325

ORDER MADE IN
H.C.P.[MD].No.1484 of 2017
24.10.2017

ns

JM/KP/SAR 2/02.11.2017/3P/5C