



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No.1660 of 2017

K.Sivaprakash : Petitioner

Vs.

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

2. The Inspector of Police,
Aravakurichi Police Station,
Karur District.

3. Murugammal

4. Alagiri : 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 respondents 1 and 2 to produce the person or body of the detenu namely Priya, D/o.Alagiri, aged about 24 years, W/o.Sivaprakash, before this Court and set her at liberty.

For Petitioner : Mr.A.Vadivel
For R1 and R2 : Mr.C.Mayilvagana Rajendran
Additional Public Prosecutor

ORDER

[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 and 2 to produce the person or body of the detenu namely Priya, W/o.Sivaprakash, aged about 24 years, the detenu herein and hand over her before this Court .

2.In the affidavit filed in support of this Petition, it is averred that the petitioner is the husband of the detenu, viz., Priya, aged about 24 years. The detenu and the petitioner fell in love and got married on 05.11.2015. While so, the third and fourth



respondents, who are the mother and father of the detenu respectively, opposing her love marriage made a life threat to the petitioner. Hence, the petitioner lodged a complaint before the Anna Nagar Police Station, Madurai. In such circumstances, the detenu went to her parental home at Karur and thereafter, she did not return back. Hence, the petitioner made a complaint before the first and second respondents on 16.10.2017. Since there were no effective steps taken by the respondents 1 and 2 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 learned Additional Public Prosecutor has produced a copy of the statement given by the petitioner to the effect that the detenu/wife has filed a petition for divorce before the Family Court.

4. In view of the above, since it is a matrimonial dispute between the petitioner and the detenu, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Karur District,
Karur.
2. The Inspector of Police,
Aravakurichi Police Station,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NS

VB/KK/SAR1/28/11/2017/2P/4C

Order made in
H.C.P. (MD) No.1660 of 2017
14.11.2017