



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.[MD].No.550 of 2017

S.Malar Vizhi : Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai City.

3.Kutraaj

4.Sivasakthi

5.Paartheeswari : 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 to produce the body of the petitioner's husband, namely, Sundareswaran, aged about 28 years and set him at liberty.

For Petitioner : Mr.R.Aravindraaj

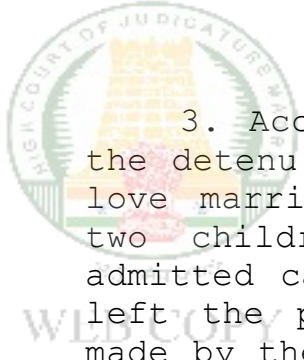
For Respondents 1&2 : Mr.T.Mohan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

2. The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the petitioner's husband, namely, Sundareswaran, aged about 28 years and set him at liberty.



3. According to the petitioner, the marriage between her and the detenu was solemnized in the month of August 2011, which was a love marriage. Out of the wedlock, the petitioner has delivered two children, born on 12.04.2012 and 23.03.2014. It is the admitted case of the petitioner that in the year 2014, the detenu left the petitioner, which is alleged to be at the instigation made by the respondents 3 to 5, who are the father-in-law, mother-in-law and sister-in-law respectively of the petitioner.

4. From the above facts, we are of the clear view that it is not a case of any illegal detention, but, it appears to be a case of desertion. Therefore, the remedy for the petitioner is not by way of Habeas Corpus Petition. Furthermore, as rightly pointed out by the learned Additional Public Prosecutor, the complaint was made to the Commissioner of Police, Madurai, only on 10.04.2017. Thus, we are not inclined to entertain the Habeas Corpus Petition. Therefore, while dismissing the Habeas Corpus Petition, we grant liberty to the petitioner to approach the appropriate forum for necessary relief.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai City.

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

+1 cc to Mr.R.Aravind Raj, Advocate in SR.No. 52197

NB

AE/JC/SAR4/26.04.2017/2P/5C

ORDER MADE IN
H.C.P. [MD] .No.550 of 2017
17.04.2017