



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.551 of 2017

Maheshkumar

: Petitioner

Vs.

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

2. Mrs.Hema Mala,
Inspector of Police,
All Women Police Station,
Tallakulam, Maduari City.

3. Nirmalkumar,

4. Amutha : 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 person or body of the petitioner's wife, namely, Mathangi Nirmal, aged about 25 years, D/o.Nirmalkumar, who is under the illegal custody of the respondents 3 and 4, before this Court and set her at liberty.

For Petitioner : Mr.K.Kannan

For Respondents 1&2 : Mr.T.Mohan

Additional Public Prosecutor

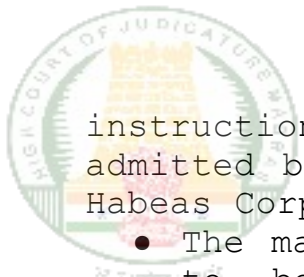
O R D E R

[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 alleging that the wife of the petitioner, namely, Mathangi Nirmal, aged about 25 years, D/o.Nirmalkumar, is not traceable and he suspects danger to her life at the hands of the respondents 3 and 4.

<https://hcservices.courts.gov.in/hcservices/>
3. Under normal circumstances, we would have directed the learned Additional Public Prosecutor to accept notice and get



instructions. On a perusal of the factual matrix of the matter, as admitted by the petitioner, we are not inclined to entertain the Habeas Corpus Petition for the following reasons:-

- The marriage between the petitioner and the detenu is stated to be solemnized on 14.09.2010, for which a marriage certificate registered before the Registrar of Marriages, Joint II Sub-Registrar, Dindigul, has been produced.
- The detenu is stated to have filed M.C.No.59 of 2015, on the file of the learned Additional Mahila Judge, [Judicial Magistrate], Madurai, for maintenance and litigation expenses.
- It is the admitted case of the petitioner that the detenu has not been appearing in M.C.No.59 of 2015. Further, the petitioner has been contesting the matter and has filed a counter affidavit. Apart from the above, the petitioner has filed H.M.O.P.No.486 of 2015, on the file of the Family Court, Madurai, for restitution of conjugal rights, in which, according to the petitioner, the detenu is not appearing.
- That apart, the petitioner has also filed CrI.OP(MD).No.20105 of 2016 for Anticipatory Bail, apprehending arrest, based on the complaint given by the detenu for offences under Sections 498(A) and 109 of the Indian Penal Code. The Criminal Court disposed of the said Anticipatory Bail Petition, by order dated 20.10.2016, stating that the petition was received, enquiry was conducted and it was closed. A closure report was also directed to be served on the de facto complainant. It is not known as to what the petitioner has done thereafter.
- Thus, considering the above facts and circumstances of the case, it is evidently clear that it is not a case of any illegal detention, but, it appears to be a dispute between the petitioner and the detenu, which is already pending before various forums.
- Thus, we are of the clear view that the present Habeas Corpus Petition is devoid of merits and accordingly, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

2. Mrs.Hema Mala,
Inspector of Police,
All Women Police Station,
Tallakulam, Maduari City.



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

+1cc to M/S.R.ANAND, Advocate SR.No.52222

ORDER MADE IN
H.C.P. [MD] .No.551 of 2017
17.04.2017

JM/JC/09.05.2017/3P/5C