



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P (MD) No.303 of 2018

Divya Bharathi

... Petitioner

-vs-

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

2. The Inspector of Police,
South Police Station,
Cumbum, Theni District.

3. Thirumalairaj

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the 1st and 2nd respondents herein to produce the body or person of the petitioner husband namely Vignesh aged about 26 years before this Honourable Court and set him at liberty .

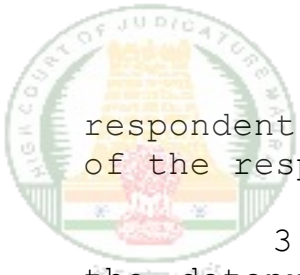
For Petitioner	: Mr.H.Velavadhas
For R1 & R2	: Mr.K.Dinesh Babu
	Addl. Public Prosecutor
For R3	: Mr.M.Sivakumar

O R D E R

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

This petition has been filed by wife, seeking direction to the 1st and 2nd respondents herein to produce her husband / detenu, namely, Vignesh, aged about 26 years before this Court and set him at liberty.

2. According to the petitioner, her first marriage with one Ponnusamy got ended pursuant to the decree dated 08.09.2015 passed in HMOP No.387 of 2014 by the Family Court, Dindigul and subsequently, she entered into a second marriage with the detenu herein as per Hindu customs and rites. While so, the detenu went to Chennai for job on 31.12.2017 and thereafter, he did not contact her. In this regard, she gave a complaint before the 2nd



respondent on 06.01.2018 and pursuant to the inaction on the part of the respondent police, the petitioner is before this Court.

3. The learned Additional Public Prosecutor has produced the detenu through the respondent police and the petitioner is also present before this Court.

4. On enquiry with the detenu, it is stated that he had not been kidnapped by anyone and he went to Chennai for the purpose of job.

5. Both sides have filed a lot of photographs and messages in support of their accusations against each other. The petitioner has stated that she has already preferred a complaint against the third respondent before the Inspector of Police, All Women Police Station, Uthamapalayam and a CSR number has also been assigned for the same.

6. In view of the above submission, this Habeas Corpus Petition is closed and the Inspector of Police, All Women Police Station, Uthamapalayam is directed to conduct enquiry on the complaint and proceed further in accordance with law, if the matter is not settled between the parties.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To:

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

+1cc to Mr.M.Sivakumar, Advocate Sr.No.57897
+1cc to Mr.H.Velavadhas, Advocate Sr.No.58195

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VB/JC/SAR2/17/05/2018/2P/6C