



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.03.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA**and****THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI**

Habeas Corpus Petition (MD) No.317 of 2018

Kavitha

... Petitioner

-vs-

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

2.The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

3.Chandra
4.Arunachalam
5.Murugan
6.Manikandan

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the 2nd respondent to secure the detenu and produce the body of the detenu, the petitioner husband Arumuguapandi S/o.Muthupandian, aged 34 years, before this Honourable Court, illegally detained by the 3rd to 6th respondents and set him at liberty forthwith.

For Petitioner	: Mr.M.Sankar
For R1 & R2	: Mr.K.Dinesh Babu
	Addl. Public Prosecutor
For Detenu	: No Appearance

ORDER**(Order of the Court was made by S.Vimala,J.,)**

This petition has been filed by wife, seeking direction to the 2nd respondent to produce her husband / detenu by name Arumuguapandi S/o.Muthupandian, aged 34 years, before this Court, who is said to be illegally detained by the respondents 3 to 6 and set him at liberty.



2. According to the petitioner, her marriage with the detenu had taken place on 05.11.2005 as per Hindu rites and customs and out of their wedlock, they were blessed with two male children. Since their marriage was not to the liking of the mother-in-law / third respondent herein, she decided to separate them and at her instigation, the husband of the petitioner filed a Divorce Petition before the Principal Sub-Court, Tenkasi, Tirunelveli District and thereafter, his whereabouts were not known. The petitioner, suspecting that the respondents 3 to 6, would have kidnapped her husband, preferred a complaint before the second respondent police and since her complaint did not evoke any response, she is before this Court with the above prayer.

3. The learned Additional Public Prosecutor has produced the detenu before this Court with the help of Police. The petitioner and the third respondent are also present before this Court.

4. The petitioner would submit that she requires the presence of her husband for the purpose of maintenance and upbringing of two children.

5. On being enquired with the detenu / husband, he has stated that he is not willing to live with the petitioner on account of her humiliation and torture. However, he has agreed that he will provide maintenance of Rs.2,500/- per month for both children, apart from providing three bags of paddy to the petitioner for a period of six months and abide by the order to be passed in the pending Divorce Petition.

6. It appears that the love marriage of the petitioner and the detenu was performed without the consent of the mother of the detenu and there seems to be some problem between them. The undertaking of the detenu to provide maintenance of Rs.2,500/- per month to the children as also three bags of paddy is recorded. However, it is made clear that this is only an interim arrangement and the same is subject to the order to be passed by the concerned Court in the pending petition between the parties. This Habeas Corpus Petition is closed accordingly.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli District,
Tirunelveli.



2.The Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

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

AR

TE/RSK/SAR-1 : 03/05/2018 : 3P/4C

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