



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND

THE HONOURABLE MRS.JUSTICE R.THARANI

H.C.P (MD)No.1586 of 2018

Muniyasamy : Petitioner

Vs.

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

2. The Inspector of Police,
Illanchemboor Police Station,
Illanchemboor,
Ramanathapuram District.

3.Bose : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to secure and produce the body or person of the petitioner's wife, namely Tamilmathi, W/o.Muniyasamy, D/o.Bose, aged about 25 years and petitioner's two minor sons namely, Ashwin, S/o.Muniyasamy, aged about 1 year and Aswanth, S/o.Muniyasamy, aged about 1 year, before this Court and set the first detainee at liberty and entrust the custody of the minor detainees to the petitioner.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor
for R.1 & R.2

ORDER

(Order of the Court was made by R.SUBBIAH, J.)

The present Habeas Corpus Petition has been filed by one Muniyasamy, seeking a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the person or body of the first detainee, namely, Tamilmathi, his wife, aged about 25 years; and his two minor sons namely, Ashwin, aged about 1 year and Aswanth, aged about 1 year, before this Court and set the first detainee at



liberty and entrust the custody of the minor detainees to the petitioner.

2. According to the petitioner, he is a Teacher and the marriage between him and the first detainee, who is working in Revenue Department, was solemnized on 10.07.2016. According to him, his wife along with their minor children went to the third respondent's house, but, thereafter, did not return home. The third respondent, who is the father of the first detainee, is not allowing the petitioner to see his wife and children. Alleging that his wife and children were illegally detained by the third respondent, the petitioner has made a complaint before the second respondent on 30.10.2018, however, no effective steps have been taken by the respondents police and hence, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detainees. When we enquired the first detainee, she has stated that there is some misunderstanding between herself and the petitioner, who is her husband and therefore, on her own volition, she went out of the home along with the minor children and is residing at her parental home. She has further stated that she as well as the minor children are not in illegal custody.

4. From the averments as well as from the enquiry made, we are of the view that this is nothing but a matrimonial dispute between the petitioner and the first detainee and converting the same as illegal detention, this Habeas Corpus Petition has been filed. Hence, this Habeas Corpus Petition is dismissed, with a cost of Rs.5,000/- (Rupees Five Thousand only), payable by the petitioner to the Chief Justice Relief Fund, within a period of two weeks from the date of receipt of a copy of this order.

5. Post this matter after two weeks, for reporting compliance.

Sd/

Assistant Registrar(CS-I)

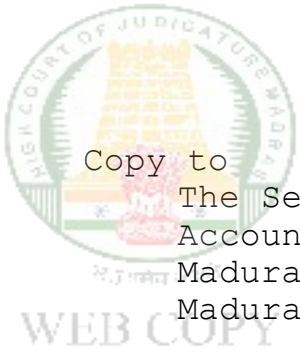
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Sub Assistant Registrar(CS-II)

To

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

2. The Inspector of Police,
Illanchemboor Police Station,
Illanchemboor,
Ramanathapuram District.



Copy to
The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.Veerakumar, Advocate, SR.No.95852

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SS/RSK/SAR 2/19.12.2018/3P/5C

ORDER MADE IN
HCP (MD) No.1586 OF 2018
16.11.2018