



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
AND  
THE HONOURABLE MRS. JUSTICE R.THARANI

H.C.P. (MD) No.1593 of 2018

S.Majitha : Petitioner

Vs.

1.The Superintendent of Police,  
Superintendent Office  
Kanyakumari District.

2.The Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.

3.Ayshath Beevi : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the 2<sup>nd</sup> respondent to produce the person or body of the detenu, namely, A.Sahul Hammed, S/o.Abdul Salam aged 48 years detained by the third respondent before this Court and set him at liberty.

|                 |                                  |
|-----------------|----------------------------------|
| For Petitioner  | : Mr.C.Muthu Saravanan           |
| For Respondents | : Mr.K.Dinesh Babu for R1 and R2 |
|                 | Additional Public Prosecutor     |
|                 | No appearance for R3             |

**ORDER**

[Order of the Court was made by R.SUBBIAH, J]

This Habeas Corpus Petition has been filed by the petitioner to produce her husband, namely, Sahul Hammed, aged 48 years.

2. The petitioner is the wife of the detenu. In the affidavit, it is averred that the petitioner's husband is a business man and he developed illicit intimacy with the third respondent. While so, he was found missing from 21.10.2018. Under such circumstances, the petitioner has given a complaint to the respondent police on 24.10.2018. Since no effective steps were taken, the petitioner is before this Court with this petition.

3.Today, when the matter is taken up for hearing, the detenu has been produced by the respondent police. On enquiry, he has



stated that he is not under the illegally custody of any one. He denied the allegation that he has been kidnapped by the third respondent. He further stated that this petition has been filed with false averments.

4 In view of the said submission made by the detenu, we are of the view that it is a matrimonial dispute between the husband and wife and the petitioner is trying to convert the issue of matrimonial dispute as one of illegal detention and filed this petition. Therefore, this petition is not maintainable and the same is liable to be dismissed. Accordingly, this petition is dismissed.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police,  
Superintendent Office  
Kanyakumari District.
2. The Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

RR

SS/RSK/SAR 4/26.12.2018/2P/4C

Order made in  
H.C.P. (MD) No.1593 of 2018  
27.11.2018