

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1201 of 2019

S.Viviliya Paulin

.. Petitioner

Vs.

1. State,
Represented by
The Superintendent of Police,
Office of Superintendent of Police
Coimbatore - 641 018.
2. The Inspector of Police
Chettypalayam Police Station,
Chettypalayam
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct the 1st and 2nd respondent to produce the body of the petitioner's husband named Mr.John Solomon aged about 37 years before this Court and set him at liberty.

For Petitioner .. Mr.N.Ponraj
For R1 & R2 .. Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

(Order of the Court was delivered by M.M.SUNDRESH, J.)

The petitioner is the wife of the detenu. Seeking a direction to the respondents 1 and 2 for the production of her missing husband, the petitioner is before this court with this petition.

2. Though this petition has not been listed, on the mentioning made by the learned Additional Public Prosecutor, it is taken for hearing today.

3. The petitioner being the wife has filed this petition inter alia alleging that the detenu has been missing without any rhyme or reason.

4. Today, both the detenu and the petitioner are present. The detenu has informed us that he is with his ailing mother, who has undergone two surgeries, including the one for kidney. He has stated that the petitioner is not willing to take care of his mother and, therefore, having no other option, he is giving treatment and taking care of his mother. As the petitioner threatened him, he changed his place.

5. The petitioner has informed us that the detenu has left the matrimonial home without informing her. On enquiry, she told us in a specific term that she has no intention of rejoining with the detenu.

6. However, from the above we could safely infer that it is only a personal dispute between the petitioner and the detenu. As the petitioner herself is not willing to rejoin the detenu and the detenu is living with his mother for the purpose of giving adequate treatment to her apart from taking care of her, we do not find any illegal detention involved. Thus, this petition stands dismissed giving liberty to the parties either to seek for divorce or restitution of conjugal rights on one hand or custody of the child on the other hand, as the case may be. We may note that apart from the personal dispute, there is no other dispute between the parties.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk/msrm

To:

1. The Superintendent of Police,
Office of Superintendent of Police
Coimbatore - 641 018.
2. The Inspector of Police
Chettypalayam Police Station,
Chettypalayam
Coimbatore.

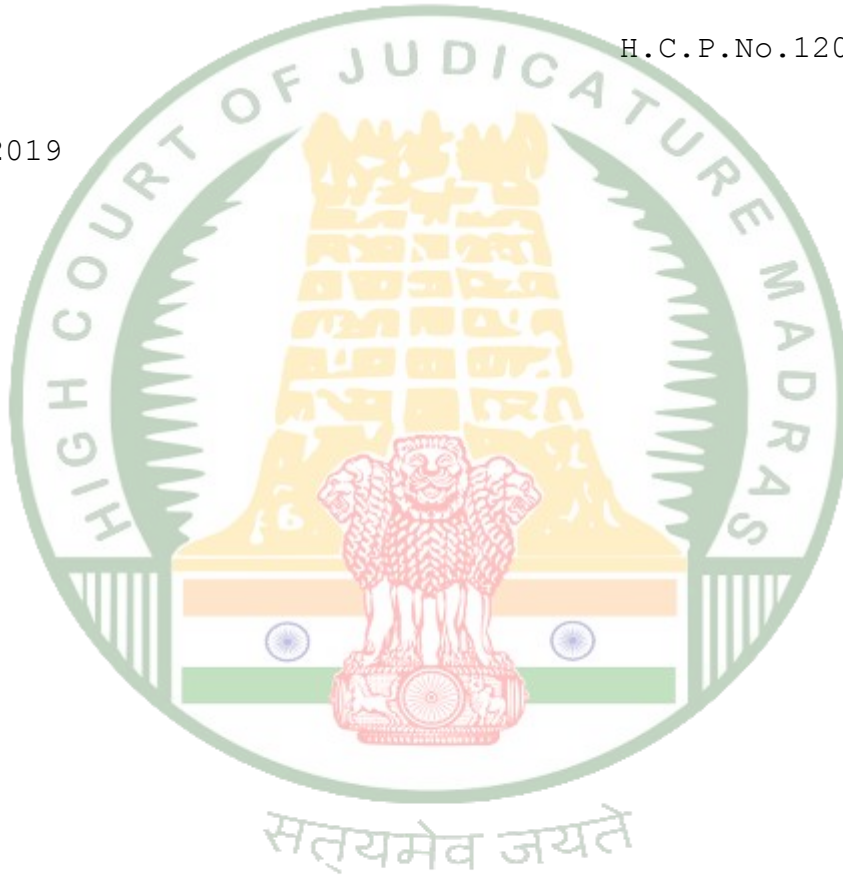
3. The Joint Secretary to Government,
Public (Law and Order) Department,
Secretariat, Fort St. George,
Chennai 600009.

4. The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.N.Ponraj, Advocate sr.67980

H.C.P.No.1201 of 2019

rgn(co)
nr 03/10/2019



WEB COPY