



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2676 of 2019

S.Murugaiyan

... Petitioner

Vs

1. The Superintendent of Police,
Superintendent office,
Cuddalore District.

2. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.

3. Vedhachalam

4. Vilasapathy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the second respondents herein to produce the body of the detenu by name Vijaya W/o.Mr.Murugaiyan, aged about 45 years before this Court and set her at liberty.

For Petitioner : M/s.E.Durai

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor
for R1 and R2.

O R D E R

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

Husband of the detenu, namely, Vijaya, aged 45 years, has filed a Writ of Habeas Corpus, directing the second respondent to produce the petitioner's wife before this Hon'ble Court and set her at liberty.



2. It is stated that the marriage between the petitioner and his wife Vijaya was solemnized in the year 2000. Out of the wedlock they were blessed with three children. The petitioner gave a complaint to the first and the second respondents on 14.10.2019 about missing of his wife, but they did not take any action. The petitioner has stated in his affidavit that due to ill advice of the parents of his wife, she has been separated from him. Further it is stated that his wife was not in her parental home and hence the present Habeas Corpus Petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that there was some family dispute between the petitioner and the wife/Vijaya, hence she left the matrimonial home and went to her mother's house. The wife of the petitioner is in his mother-in-law's house.

4. Recording the submission made by the learned Additional Public Prosecutor, admittedly, the third and fourth respondents are the parents of Vijaya and she is with them and in such circumstances, the custody of the wife, cannot be said to be illegal. Therefore, we do not find any reason to issue any direction as prayed for by the petitioner. Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Superintendent office,
Cuddalore District.
2. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2676 of 2019

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srg 10/02/2020