

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.2309 of 2018

V.Sridevi

.. Petitioner

Versus

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

2.The Inspector of Police,
All Women Police Station,
Attur, Salem District.

3.Mohana Priya

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the detenu Vijayakumar, son of Selvam, aged 33 years now under illegal custody of 3rd respondent herein before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the wife of the detenu, aged about 33 years. He is working as Village Post Master and according to her, he was slightly mentally imbalance and taking advantage of the same, he was lured by one Mohanapriya on 20.09.2018 and alleging illegal detention of her husband at the hand of the 3rd respondent, namely Mohanapriya, has lodged a complaint on 21.09.2018, based on which, the 2nd respondent has issued a CSR

and since, no worthwhile and sincere efforts have been taken to trace the detenu and to handover his custody to his wife / petitioner, came forward to file this Habeas Corpus Petition.

2. This Court prima facie found that it appears to be a matrimonial problem and referred the matter for mediation. The Coordinator / Secretary / Sub Judge of District Mediation and Conciliation Centre, Salem have effected mediation and submitted a report dated 29.10.2018 to the Registrar General, High Court of Madras and it is also placed before this Court. A perusal of the mediation report would indicate that due to temporary financial problems, the detenu went outside without intimating the family members and on 10.10.2018 he had surrendered before the 2nd respondent, wherein he has given a statement denying the allegation that he has eloped with the 3rd respondent. The report further reads that the petitioner / wife of the detenu is suffering due to kidney and uterus problem and the detenu has spent considerable expense and on account of the same, he has landed in financial problem and on that ground, he left the matrimonial home without intimating the petitioner.

3. The learned counsel appearing for the petitioner would submit that admittedly the detenu married the petitioner and therefore, he is legally bound to maintain his wife and prays for appropriate orders by directing the 2nd respondent to produce the detenu, once again before this Court and handover the custody to the petitioner.

4. Per contra, Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would submit that the detenu has also gave a statement before the 2nd respondent specifically denying the allegation as to his alleged relationship with the 3rd respondent and since, the Mediation Report submitted by the District Mediation and Conciliation Centre is very clear, requests the Court to pass appropriate orders.

5. This Court paid it's best attention and anxious consideration to the rival submissions and also perused the materials placed before it, especially taking into consideration the plight of the petitioner.

6. It is also to be noted at this juncture that the detenu is produced before this Court and he has also reiterated the same thing as stated before the District Mediation and Conciliation Centre, Salem and the materials placed before this Court would also indicate that the detenu is not in illegal detention / custody at the hands of the 3rd respondent and on account of matrimonial problem, he choose to leave the petitioner without informing. Therefore, it cannot be said that the detenu against his wish and will, has been kept in illegal

custody by the 3rd respondent.

7. Therefore, the Habeas Corpus Petition stands dismissed. However, the petitioner if so advised, he is at liberty to workout his further remedies in accordance with law before the competent forum.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sk

To

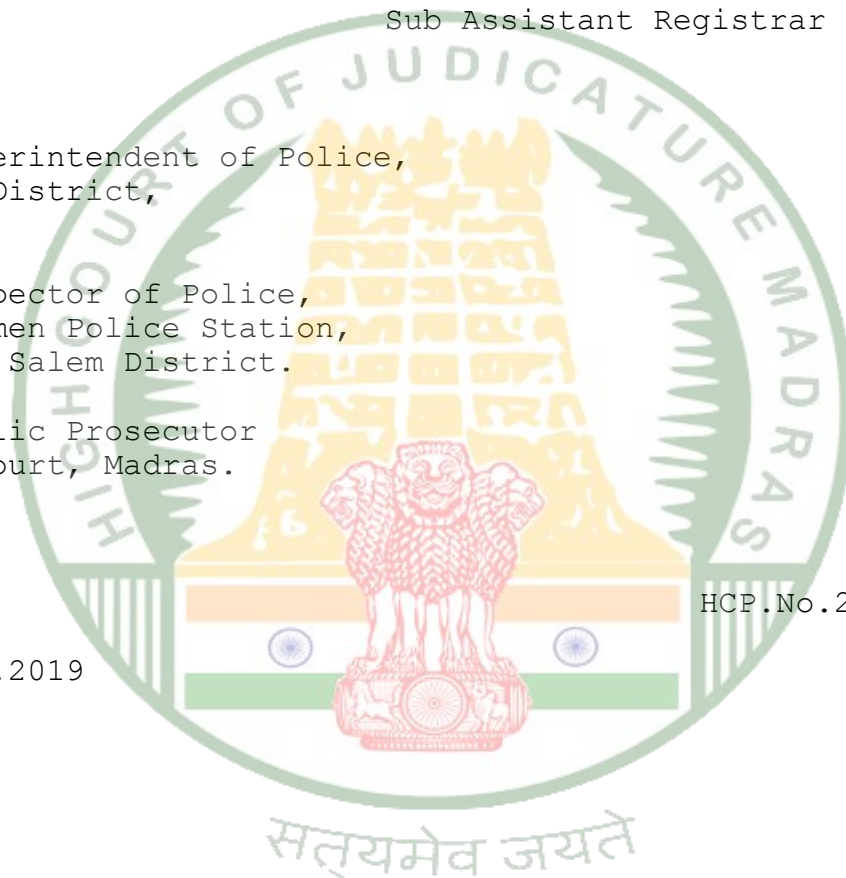
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KS(CO)
CSL/23.04.2019

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