



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 06.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) No.418 2019

WEB COPY

N.Nandhini

.. Petitioner

vs.

1.The Commissioner of Police,
Trichirapalli District.

2.The Inspector of Police,
Port Police Station,
Trichy City,
Trichirapalli District.

3.P.Vijayalakshmi

4.V.Valarmathi

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of habeas corpus directing the respondents to produce the person or body of the detenu namely Naveenkumar S/o.Panneerselvam aged 27 years now in the illegal custody of the respondents 3 and 4 before this court and set him at liberty.

For Petitioner : Mr.S.Jeyasingh

For R1 & R2 : Mr.K.Dinesh Babu,

Additional Public Prosecutor

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner is the wife of the detenu Naveenkumar, S/o.Panneerselvam, aged about 27 years and according to her, she and the detenu were studying BCA Course at Pavendhar Bharathidasan Arts and Science College, Pudukottai and they developed love affair and got married on 11.09.2013 and the marriage was also registered vide the Certificate of Registration of Marriage, by the District Registrar in Marriage Certificate No.1896/2013.

2.The grievance expressed by the petitioner is that her husband is under the illegal custody/detention of her mother-in-law viz., the third respondent and sister-in-law, the fourth respondent.

3.The learned counsel appearing for the petitioner would submit that despite registration of the FIR by the second respondent as early as on 23.11.2018 in Crime No.1143 of 2018, no steps have been taken to trace and restore the custody of the petitioner's husband and therefore, the petitioner is constrained to file this Habeas Corpus Petition.



4. Per contra, the learned Additional Public Prosecutor appearing for the State submitted that the detenu has left the company of the petitioner voluntarily and also invited the attention of this Court to the complaint given by the petitioner, which resulted in the registration of the FIR, wherein she has stated about the matrimonial discard between her and her husband and the complaint given before the All Women Police Station, Thiruverumbur and in the light of the matrimonial discard, the detenu has voluntarily left the company of the petitioner.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. The contents of the complaint given by the petitioner before the second respondent, which resulted in the registration of the FIR, would *prima facie* disclose that the husband of the petitioner/the detenu, on account of the matrimonial discard left the company of the petitioner. It also appears that the detenu also initiated appropriate legal proceedings and voluntarily left the company of the petitioner and therefore, it cannot be stated that he is in legal custody/detention of the private respondents. Therefore, this Habeas Corpus Petition is dismissed. However, the petitioner is always at liberty to initiate appropriate legal proceedings as to the grievance expressed by her in this Habeas Corpus Petition.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
Trichirapalli District.

2. The Inspector of Police,
Port Police Station,
Trichy City,
Trichirapalli District.

3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.S.JEYASINGH, Advocate SR-67214.

H.C.P. (MD) No.418 of 2019