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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.06.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.421 of 2019

V.Ramya

... Petitioner

Vs.

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

2.The Inspector of Police,
Thuraiyur Police Station (Uppiliyapuram In-charge),
Trichy District.

3.The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

4.Palaniammal

5.Thangaraj

6.Durairaj

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the Respondents 1 to 3 to secure and produce the body or person of the Petitioner's husband namely Vasu S/o. Lakshmanan (Petitioner's husband), aged 30 years and produce before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.K.Sivabalan

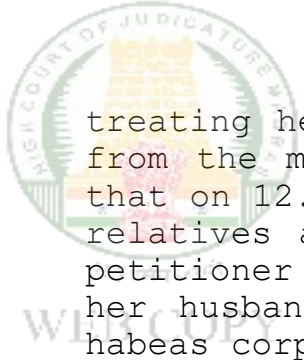
For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

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

The petitioner is the wife of the detenu. According to her, earlier she had married one Saravanan and out of the wedlock they were blessed with one male child and the marital life between Saravanan and the petitioner ended in the form of divorce and subsequently she got married to the detenu on 05.11.2018. Initially she was treated well. Since both of them belonging to different community, at the instance of his parents the detenu started ill-



treating her under the influence of alcohol and used to driven her from the matrimonial home. The specific case of the petitioner is that on 12.05.2019, her husband was forcibly taken away by her close relatives and they also threatened her with dire consequences. The petitioner is very much concerned with the safety and well being of her husband and hence, she has come forward to file the present habeas corpus petition.

2.The learned counsel for the petitioner would submit that though the complaint of the petitioner made out commission of cognizable offences, the complaint given by the petitioner has not been registered and the petitioner was not even summoned for enquiry and her statement was not recorded.

3.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the State would submit that based on the complaint given by the petitioner a case has been registered by the third respondent police in Crime No.118 of 2019 on 21.05.2019 for the commission of the offences u/s 447, 323, 506(i) and 363 I.P.C. against the respondents 4 to 6 and the investigation is on. He would further add that impartial investigation would be conducted and as and when the detenu is traced, he will be produced before the jurisdictional Magistrate Court for appropriate orders.

4.This Court has considered the rival submissions and also perused the materials placed before it.

5.Admittedly, the detenu is a major and *prima facie* it appears that there is a matrimonial discord. A perusal of the contents of the complaint given by the petitioner to the third respondent would also disclose the said fact. Therefore, this Court is of the considered view that in the present facts and circumstances of the case, this Habeas Corpus Petition is not maintainable. However, since the third respondent has already registered a case, they are expected to conduct the investigation in a fair and impartial manner by also recording the statement of the petitioner and as and when the detenu is traced he shall be produced before the jurisdictional Magistrate Court for passing appropriate orders.

6.The Habeas Corpus Petition is disposed of with the above observations.

sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Trichy District,
Trichy.



2.The Inspector of Police,
Thuraiyur Police Station (Uppiliyapuram In-charge),
Trichy District.

3.The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.K.SIVABALAN, Advocate (SR-67516[F] dated 07/06/2019)

H.C.P(MD)No.421 of 2019
06.06.2019

SJ

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