



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 18.06.2019

CORAM

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 510 OF 2019

Muniyandi

.. Petitioner

- Vs -

1. The Superintendent of Police
Ramanathapuram District
Ramanathapuram.

2. The Inspector of Police
Rameshwaram Town Police Station
Rameshwaram, Ramanathapuram District.

3. Manikandan

4. Bagavathy

5. Sakthivel

6. Balamurugan

.. Respondents

Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detinue, viz., Keerthika, wife of Muniyandi, aged about 34 years before this Hon'ble Court and set her at liberty.

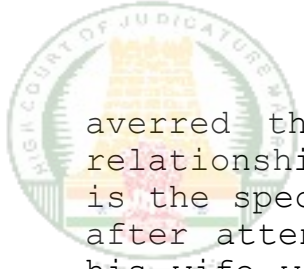
For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.K.Dinesh Babu, APP

ORDER

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

The petitioner is the husband of the major detinue, Keerthika, aged about 34 years and according to him, out of the wedlock with the detinue, two daughters were born and they are aged about 18 years and 16 years respectively. The petitioner further



averred that they were living happily and they had also close relationship with their neighbour Manikandan and their family. It is the specific case of the petitioner that he was self-employed and after attending the job he came back home on 28.5.19 and he found his wife was missing and when he made enquiry and search, he found that his wife left the matrimonial home with cash of Rs.9 Lakhs as well as 84 sovereigns of gold jewels. The petitioner is also aware of the fact that the detinue has been forcibly taken away by the private respondents and in this regard, he also lodged a complaint on 12.6.2019 on the file of respondents 1 and 2 and since no response is forthcoming and apprehending the safety, well being and whereabouts of the detinue/his wife, has come forward to file the present petition.

2. Heard the submissions of the learned counsel for the petitioner and the learned Addl. Public Prosecutor, who accepts notice on behalf of respondents 1 and 2 and who, on instructions, submit that the petitioner has filed HMOP No.17/2019 on the file of the Sub Court, Ramnad, against the detinue praying for dissolution of marriage and the case on hand is nothing but a case of matrimonial discord and at present the detinue is in her parental home and, therefore, the petition enquiry conducted was closed.

3. In the light of the submissions made above by the learned Addl. Public Prosecutor, on instructions, this Court is of the considered view that as alleged by the petitioner, the detinue may not be in illegal custody/detention of the private respondents. Since the place in which the detinue at present resides is also made known to the petitioner, the petitioner is always at liberty to work out the alternate remedy available to him under the law before the competent forum.

4. This habeas corpus petition is dismissed subject to the above observations.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

GLN

To

1. The Superintendent of Police
Ramanathapuram District

Ramanathapuram.



2. The Inspector of Police
Rameshwaram Town Police Station
Rameshwaram, Ramanathapuram District.

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

+ 1 CC TO Mr.S.Muniyandi, ADVOCATE IN SR No.69385

H.C.P. (MD) NO.510 OF 2019

18.06.2019

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