



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) No.1428 of 2017

Mangaiyarkarasi : Petitioner

Vs.

1.The Superintendent of Police
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli.

3.Yesuvadiyan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body and person of the petitioner's husband Daniel Moses aged about 37 years before this Court and set him at liberty.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.M.Chandrasekaran for R1 & R2
Additional Public Prosecutor

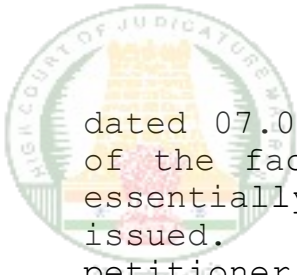
For R3 : Mr.C.Chrishtopher

ORDER

[Order of the Court was made by **P.N.PRAKASH, J**]

It is the case of the petitioner that her husband Daniel Moses aged about 37 years is in the illegal custody of the third respondent and hence, she is before this Court with this petition.

2. On notice, Daniel Moses appeared before this Court on 20.12.2018 and during the hearing, he appears to have given an undertaking that he will settle some properties in favour of the petitioner and her children. This has been recorded in the order



dated 07.01.2019 passed by this Court. However, on the conspectus of the facts obtaining in this case, we find that the dispute is essentially a matrimonial one and no Writ of Habeas Corpus can be issued. Hence, this petition is closed with liberty to the petitioner to work out her remedy in the manner known to law.

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli.

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

+1 CC to M/s.V.RAJIV RUFUS, Advocate in SR-59476

H.C.P. (MD) No.1428 of 2018
05.04.2019

RR

PK/25.04.2019 : 2P/5C