



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD) No.575 of 2019

Pandiarajan

... Petitioner

Vs.

1. The Superintendent of Police,
Ramnad District.

2. The Inspector of Police,
B2, Bazaar Police Station,
Ramnad District.

3. Nagalakshmi

... Respondents

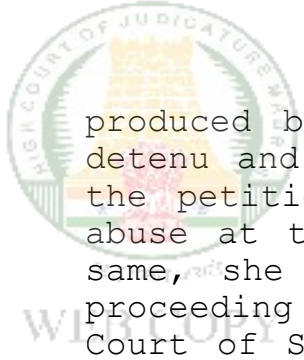
Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu or her corpus namely Muneeswari, W/o Pandiarajan, female, aged about 24 years before this Court and set her at liberty forthwith.

For Petitioner	: Mr.A.Uthayakumar
For Respondents	: Mr.K.Dinesh Babu
	Additional Public Prosecutor
	for R.1 and R.2
	: Mr.J.M.Hassanul Bazari
	for R.3

ORDER

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

The petitioner is the husband of the detenu viz., Tmt.Muneeswari, aged about 24 years and according to him, both of them were love with each other and got married and subsequently, it was registered in the office of the Joint Registrar, Ramanathapuram, vide marriage serial No.64 of 2018. The petitioner, alleging illegal custody and detention of the detenu at the hands of the third respondent viz., the mother of the detenu, came forward to file this Habeas Corpus Petition.



produced before this Court. This Court has interacted with the detenu and she would admit the factum of marriage between her and the petitioner and she has been subjected to physical and verbal abuse at the hands of the petitioner and unable to bear with the same, she went back to parental home and she also instituted a proceeding for divorce in H.M.O.P.No.110 of 2019, on the file of the Court of Subordinate Judge, Ramanathapuram, under Section 13-1(ia) of the Hindu Marriage Act.

3. The learned Counsel appearing for the petitioner would submit that the factum of the pendency of the divorce petition has not been disclosed by him and prays for appropriate orders.

4. The learned Counsel appearing for the detenu would submit that the petitioner and the detenu are living separately for the past one year and having aware of the matrimonial discards, the petitioner has deliberately suppressed the divorce proceeding and hence, prays for dismissal of the Habeas Corpus Petition, with exemplary costs.

5. The learned Additional Public Prosecutor appearing for the State would state that based on the complaint given by the petitioner, C.S.R.No.118 of 2019 has been assigned and the enquiry is on.

6. A perusal and consideration of the materials placed, especially, the statement of the detenu, would *prima facie* disclose that there appears to be a matrimonial discard between the petitioner and the detenu and she also left the company of the petitioner and started to live with her parents for the past one year and also initiated divorce proceedings in H.M.O.P.No.110 of 2019, which is also pending on the file of the Court of Subordinate Judge, Ramanathapuram and having received the summons, he also entered appearance through his Advocate and he filed this Habeas Corpus Petition suppressing the said fact. The petitioner deliberately suppressed the factum of the pendency of the divorce proceedings and that apart, the detenu, being the major, also expressed her disinclination to live with the petitioner.

7. In the result, the Habeas Corpus Petition is dismissed. The detenu is at liberty to take a call with regard to her future and well being.

8. The petitioner, having deliberately suppressed the material facts of the pendency of the divorce proceedings, he should be mulcted with costs and consequences. Accordingly, a sum of Rs.5,000/- (Rupees Five Thousand only) is imposed on the petitioner, which is payable by way of a Demand Draft drawn in favour of the Additional Registrar General of this Court, on or before 31.07.2019 and the same shall be spent by the said official for providing materials to the Siddha Medical Centre, attached to this Bench.

