



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 31.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 717 OF 2019

Pillathal

.. Petitioner

- Vs -

1. The Superintendent of Police  
O/o The Superintendent of Police  
Surveyor Colony, Madurai  
Madurai District.

2. The Inspector of Police  
Cholavanthan Police Station  
Cholavanthan, Madurai Dt.

3. Ramesh

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the detenu, viz., Velmurugan, aged about 27 years, S/o Ganesan, husband of the petitioner before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.A.Saravanan

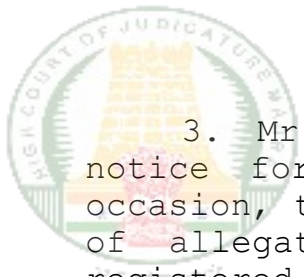
For Respondents : Mr. K.Dinesh Babu, APP

**ORDER**

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

The petitioner is the wife of the detenu, viz., Velmurugan, aged about 27 years and alleging that he has been illegally detained at the hands of the wife of the 3<sup>rd</sup> respondent, viz., Kaaleeswari, came forward to file the present petition.

2. Learned counsel appearing for the petitioner submitted that the marriage between the petitioner and the detenu was solemnised about 8 years back and out of the wedlock, a male child was born and he is aged about 6 years and all of a sudden, her husband-detenu, left her in lurch and as a result she is unable to maintain herself as well as the infant child and also apprehending safety, well being and whereabouts of the detenu, was constrained to file the present petition.



3. Mr.Dinesh Babu, learned Addl. Public Prosecutor, accepts notice for the 2<sup>nd</sup> respondent and submits that on an earlier occasion, the petitioner has lodged a complaint on the very same set of allegations based on which a case in Crime No.71/19 was registered on 25.2.19 for 'Man Missing' and, thereafter, the detenu was traced and his custody was handed over to the petitioner and once again, the detenu has eloped with the wife of the 3<sup>rd</sup> respondent.

4. This Court has carefully considered the rival submissions advanced and also perused the materials available in the typed set of documents.

5. Admittedly, the detenu, as well as the wife of the 3<sup>rd</sup> respondent are major and it appears to be a case of elopement. Though this Court sympathize with the petitioner, who is in dire straits and difficulty on account of the fact that the sole bread winner of the family, viz., the detenu, has left her company leaving her and the infant child, however, this Court is not in a position to come to the rescue of the petitioner in the light of the light of the facts and circumstances.

6. Therefore, this habeas corpus petition is closed. However, the petitioner is at liberty to work out her remedies against her husband/detenu in accordance with law before the competent forum/(s).

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police  
O/o The Superintendent of Police  
Surveyor Colony, Madurai, Madurai District.
2. The Inspector of Police  
Cholavanthan Police Station  
Cholavanthan, Madurai Dt.
3. The Addl. Public Prosecutor  
Madurai Bench of Madras High Court  
Madurai.

**H.C.P. (MD) NO. 717 OF 2019**  
**31.07.2019**

CS(16.08.2019) 2P 4C