



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P(MD) .No.18984 of 2019

WEB COPY

Thirunavukarasu

... Petitioner

Vs.

The Inspector of Police,
Kumbakonam East Police Station,
Thanjvur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the constitution of India, praying for issuance of Writ of Mandamus to direct the respondent to secure the petitioner's wife namely Mohana Priya , D/o.T.Natarajan, aged about 33 years on the basis of the complaint of the petitioner and the FIR registered in Crime No.157 of 2019 dated 30.05.2019.

For Petitioner : Mr.A.Mohamed Haneef

For Respondent : Mr.R.Anandharaj

Additional Public Prosecutor

For Wife : Mr.P.Arun Jeyathan

O R D E R

This petition has been filed to direct the respondent to secure the petitioner's wife namely Mohana Priya , D/o.T.Natarajan, aged about 33 years on the basis of the complaint of the petitioner and the FIR registered in Crime No.157 of 2019 dated 30.05.2019.

2. The learned counsel for the petitioner would submit that he got married one Mohanapriya on 11.11.2001. Due to their wed-lock, they have blessed with two children. On 25.05.2019, she went to Panathurai Rotary Club Blood Bank, Kumbakonam for function and she has not returned back to her house. Thereafter, her husband/petitioner lodged a complaint before the respondent and the same has been registered in Crime No.157 of 2019 for the offence under Section Woman Missing. The respondent have not shown any interest to secure the petitioner's wife and hence, he filed this writ petition for securing his wife.

3. Per contra, the learned Additional Public Prosecutor would submit that on the complaint lodged by the petitioner, a case has been registered in Crime No.157 of 2019 for the offence under Section Woman Missing. Subsequently, an investigation was conducted and found that the wife of the petitioner namely, Mrs.Mohanapriya,



now got separated from her husband and lives in her parents' house. She does not want to go to her matrimonial home. The missing wife is appeared before this Court today i.e., 30.09.2019 through Mr.P.Arun Jeyathran, learned counsel represented that for the past six months, she is living separately along with her parents and due to some misunderstanding between them, she does not want to live with the petitioner. He also submitted that she filed a divorce petition in H.M.O.P.No.226 of 2019 before the learned Principal Sub-ordinate Court, Kumbakonam as against the petitioner herein.

4. Heard, Mr.A.Mohamed Haneef, learned counsel appearing for the petitioner, Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the respondent police and Mr.P.Arun Jeyathran, learned counsel appearing for the petitioner's wife.

5. On the complaint lodged by the petitioner, a case has been registered in Crime No.157 of 2019 for the offence under Section Woman Missing. The petitioner got married one Mohanapriya in the year 2001 and they gave birth to two children. Due to misunderstanding between the petitioner and his wife, they got separated and she is very much available with her parents' house. In fact, the learned counsel appearing for the missing wife would submitted that she separated from the petitioner and now she is living with her parents. She was also filed a divorce petition in H.M.O.P.No.226 of 2019 as against the petitioner and it is pending before the learned Principal Sub-ordinate Court, Kumbakonam.

6. Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing for the missing wife, this Court is of the considered view that the present writ petition filed by the petitioner is completely misconceived. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar

To
The Inspector of Police,
Kumbakonam East Police Station, Thanjavur District.
+1CC to M/s.A. MOHAMED HANEEF, Advocate SR-90854[F] dated 01/10/2019

W.P(MD).No.18984 of 2019
30/09/2019

DSS

<https://hcs.cas.court.gov.in/hcservlet?case=18984-18-2019-24>.3C