



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

HABEAS CORPUS PETITION NO.767 OF 2020
(HEARD THROUGH VIDEO CONFERENCING)

A.Kishore Kumar @ Kishore (M/31 years),
S/o.Ashokan.

.. Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.

2. The Inspector of Police,
Periyanayakkan Palayam Police Station,
Coimbatore District.

3. Vijayan,
No.35/2, Lakshmipuram,
Pass Colony,
Coimbatore District-641 019.

.. Respondents

Prayer :-

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to direct respondents 1 and 2 to secure the petitioner's wife namely, V.Anjali, aged about 31 years from the illegal custody of the 3rd respondent and produce her before this Court and set her at liberty.

For Petitioner : Mr.B.Sathiyaraj

For Respondents: RR1 & 2-Mrs.M.Prabhavathi,
Additional Public Prosecutor

: R3- Mr.Vimal B.Crimson



ORDER

(Order of the Court was made by T.S.Sivagnanam, J.)

Heard Mr.B.Sathiyaraj, learned counsel for the petitioner, Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for respondents 1 and 2 and Mr.Vimal B.Crimson, learned counsel appearing for the third respondent.

2.The petitioner has filed this Habeas Corpus Petition to secure his wife, V.Anjali, aged about 31 years alleging that she is in the illegal custody of the third respondent, who is none other than the father of V.Anjali. In this regard, a complaint was lodged before the second respondent-Police and the same is pending before the Police and no action has been initiated and therefore, the petitioner is before this Court by way of this Habeas Corpus Petition.

3.The learned counsel appearing for the third respondent submitted that the third respondent's daughter, the detainee is aged about 31 years and she has stated that there was a matrimonial dispute between herself and the petitioner and she has come back to his house and living along with the third respondent and the third respondent cannot compel his daughter to go and live with the petitioner. The learned counsel for the third respondent further submitted that the petitioner had come to the house of the third respondent and there was a wordy quarrel and in this regard, a complaint has been lodged by the third respondent to the second respondent police and CSR Number has been given.

4.In reply, the learned counsel for the petitioner submitted that the complaint given by the petitioner should be forwarded to the District Social Welfare Officer, sought to be enquired and if enquiry is conducted, it will be established that the petitioner's wife is being compelled by the third respondent to stay in the parental home and it is he, who is precipitating the matrimonial life.

5.After we elaborately heard the learned counsels for the parties, we are of the considered view that the matter is a matrimonial dispute between the petitioner and his wife, V.Anjali, the alleged detainee. Considering the age of the detainee, we cannot issue any direction in this Habeas Corpus Petition, but however, give liberty to the petitioner to pursue the complaint lodged by him before the second respondent-Police and also if so advised, approach the Family Court for appropriate relief.



6. With the above observations, this Habeas Corpus Petition stands dismissed.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr/gg

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.
2. The Inspector of Police,
Periyanayakkan Palayam Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.

H.C.P.No.767 of 2020

VD(CO)
CS/13/07/2020