



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P. (MD) No. 51 of 2020

Rabiya Basira @ Priya : Petitioner/Mother of Detenue

Vs.

1. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2. The State rep. by
Inspector of Police,
Sattur Town Police Station,
Virudhunagar District

3. Velmurugan : 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 Nos. 1 and 2 herein to produce the body or person of the detenue of the petitioner's Velmurugan minor daughters namely Amritha Sri aged about 11 years and Diya Sri aged about 9 years and son namely Sarvan, aged about 3 years before this Court and set them at liberty.

For Petitioner : Mr. S. T. Sasidharan Tamilkani

For Respondents : Mr. K. Dinesh Babu
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner/wife for production of the detenues, namely, Amritha Sri aged 11 years, Diya Sri aged 9 years and Sarvan, aged 3 years respectively, by making allegation against her husband that her husband forcibly kidnapped her children. When the petitioner enquired her husband, it is alleged that her husband abused her



with filthy language. Therefore, a complaint came to be lodged before the respondent police. Since no effective action has been taken, the petitioner is before this Court with this petition.

2. The complaint made by the petitioner/wife clearly shows that the dispute is a matrimonial dispute between the husband and wife. Therefore, she cannot come to this Court by invoking the writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the Habeas Corpus Petition fails and the same is dismissed. Liberty is granted to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ / 2020

Sub Assistant Registrar (CS)

RR

To

1. The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District

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

+1 CC to M/s. S. T. SASIDHARAN TAMILKANI, Advocate (SR-2026[F] dated 20/01/2020)

Order made in
H.C.P. (MD) No. 51 of 2020
Dated: 20.01.2020

na (CO)

TR (11.02.2020) 2P 5C