



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.3913 of 2020

WEB COPY

V.Balaji

... Petitioner

Vs

1.The Superintendent of Police,
Madurai Rural,
Madurai District.

2.The Inspector of Police,
Alanganalloor Police Station,
Madurai District.

3.The Inspector of Police,
K.Pudur Police Station,
Madurai.

4.Thirumurugan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to issue an order or direction to the respondents 1 to 3 to secure the petitioner's wife Rohini W/o.V.Balaji age 34 years residence of Naduthuru, D.No.40, Koovanoothu Puthoor, Koovanoothu Puthoor (Post), Dindigul District, from the illegal custody of the fourth respondent and produce her before this Court and set her at liberty.

For Petitioner : Mr.M.R.Sreenivasan

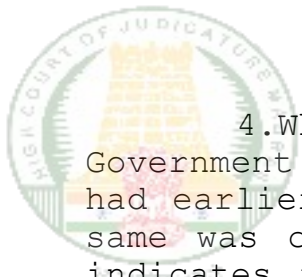
For R1 to R3 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioner gave a complaint dated 03.02.2020 before the respondents 2 and 3 alleging that his wife is missing. Since no effective action was taken, this criminal original petition has been filed for securing the petitioner's wife.

2.According to the petitioner, his wife is in the illegal custody of one Thirumurugan who has been shown as respondent.

3.Even according to the complaint, the petitioner's wife left the matrimonial home on 05.12.2019 saying that she is going to her mother's home. When the petitioner enquired his mother-in-law after two days, his mother-in-law told him that her daughter had not come to her house.



4. When the matter was taken up for hearing, the learned Government Advocate (Crl.side) submitted that the petitioner's wife had earlier gone missing in the month of August 2019 and that, the same was closed after her return. A reading of the final report indicates that the petitioner's wife had left with one Guna. Now she is said to have joined with one Thirumurugan. If the petitioner's wife is not willing to be with the petitioner, it is for the petitioner to move the Family court for relief. The petitioner is said to have earlier filed HCP, but the same was closed. The relief now sought in this petition is virtually akin to a prayer that is made in HCP.

5. I am of the view that considering the overall facts and circumstances, no direction can be given under Section 482 of Cr.P.C., It is for the petitioner to move the Matrimonial Court. This Criminal Original Petition stands dismissed.

sd-
Assistant Registrar(AD-I)

// True Copy //

/ /2020
Sub Assistant Registrar

rmi

To

1. The Superintendent of Police,
Madurai Rural,
Madurai District.
2. The Inspector of Police,
Alanganalloor Police Station,
Madurai District.
3. The Inspector of Police,
K.Pudur Police Station,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-9534[F] dated 02/03/2020)

Crl.O.P (MD) No.3913 of 2020
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AP(17.03.2020) 2P 6C

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