



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**
Crl.O.P.(MD)No. 3380 of 2020

WEB COPY

P. Vinothkumar : Petitioner/detenuer's husband

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Sub-Inspector of Police,
Seethaparanallur Police Station,
Tirunelveli District.
In Crime No.6 of 2020
3. Ajithkumar : Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to produce the body of person of the detenuer by name Gandhimathi, wife of Vinothkumar aged about 20 years who has been missing from 06.01.2020 onwards before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.A.R. Kannappan
For R1 & 2 : Mr.R. Anandharaj,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents to produce the body of person of the detenuer by name Gandhimathi, wife of Vinothkumar aged about 20 years who has been missing from 06.01.2020 onwards before this Court set her at liberty.

2. It is a case of the petitioner is that he was married one Gandhimathi and out of wedlock they have one female child. While so, the alleged detenuer Gandhimathi had befriended the third respondent and was continuously talking with him over mobile phone during the night hours. When the petitioner scolded her she had left the house without informing the petitioner. Since the petitioner was unable to find her despite due search he had preferred a complaint. Based on which the respondent police has registered a case in Crime No.6 of 2020 under 'women missing'. Since the respondent did not take any action to find out the whereabouts and produce the alleged detenuer before this Court, the present petition has been filed.



3. Today, when the matter is taken up for hearing, the respondent police have produced the alleged detenue Gandhimathi before this Court.

4. This Court enquired the alleged detenue. She submitted that she is married to the petitioner. However, there was incompatibility and misunderstanding between them and thereby not wanting to live with the petitioner, she had left the matrimonial home on her own violation along with the third respondent. She had submitted that she is a major and she is capable of taking decision of her choice and that she is not in an illegal custody. She has also submitted she cannot be compelled to go along with the petitioner. Further, she had also given a letter in writing stating that she does not want any claim over the custody of the minor child born out of the wedlock.

5. Recording the above said submission and finding that the alleged detenue/Gandhimathi is not in illegal detention, the Criminal original petition stands closed. The letter given by the alleged detenue/Gandhimathi is taken on record and it shall stand form part of the Court record.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Sub-Inspector of Police,
Seethaparpanallur Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-9778[F] dated 03/03/2020)