



WEB COPY

H.C.P.(MD) No.837 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.837 of 2020

Ummal Fareetha

... Petitioner/wife of the detenu
-vs-

1.The State, represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

3.The Inspector of Police,
Adirampatinam Police Station,
Thanjavur District.

4.Jilbihar

5.Mohammed Buhari

6.Sickander

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 and 2 to produce the body or person of the detenu by name Habibulla Sickander, son of Sickander, aged about 53 years before this Court and set him at liberty.

For Petitioner : Mr.N.Jeyaram Sidharth

For Respondents : Mr.K.Dinesh Babu
1 to 3 Additional Public Prosecutor

For the detenu : Mr.Mohammed Kasim

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 to 3 to produce the Petitioner's husband namely, Habibulla Sickander, aged about 53 years before this Court and set him at liberty.



2.The Petitioner would claim that she is the second wife of the detenu and the marriage between them was performed in the year 2014 and they have been living together for the past 16 years. However, on 30.8.2020, when the detenu went to Chennai for his business purpose, he was illegally detained by his first wife, the fourth respondent herein and her parents/respondents 5 and 6. She would further state that on 8.9.2020 her husband contacted her through cell phone and informed about the illegal detention by the private respondents and on that basis, she lodged a complaint to the respondent Police, but no action was taken.

3.Heard Mr.N.Jeyaram Sidharth, learned counsel appearing for the Petitioner, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 to 3 and Mr.Mohammed Kasim, learned counsel appearing for the detenu and perused the materials placed before this Court.

4.It is the case of the petitioner that she is the second wife of the detenu and he was illegally detained by the private respondents/respondents 4 to 6.

5.During the hearing, the learned counsel appearing for the detenu would state that the matrimonial dispute has been brought to this Court by way of Habeas Corpus petition. The Petitioner already lodged a complaint with All Women Police Station, Thanjavur and the same had been taken on file in C.S.R.No.2 of 2020. He would further state that the detenu is being unnecessarily harassed by the Petitioner, hence he was constrained to approach this Court by filing CrI.O.PNo.3546 of 2020 seeking direction to the Police not to harass him on the complaint of the Petitioner. He would further add that the detenu is not illegally detained by the respondents 4 to 6 as alleged by the Petitioner.

6.In the light of the above facts, we find no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed. However, it is open to the Petitioner to approach the competent Civil Court, for her entitlement, if any.

Sd/-

Assistant Registrar (CS-I)

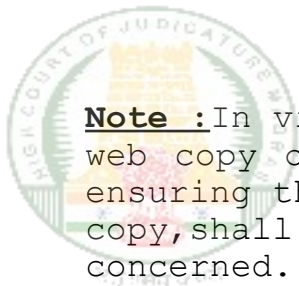
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/ /2020

Sub Assistant Registrar(CS)

vsn

<https://hcservices.ecourts.gov.in/hcservices/>



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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Adirampatinam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.837 of 2020
20.11.2020

VR (CO)
AP (04/12/2020) 3P 5C