



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.889 of 2020

T.Kumaravel : Petitioner/Husband of detenuue

-vs-

1. The Commissioner of Police
Trichy City,
Trichy District
2. The Assistant Commissioner of Police
Cantonment,
Trichy District
3. The Inspector of Police
Edamalaipatti Pudur Police Station
Trichy District
- 4.Abhishek Kumar
- 5.SelvaGanapathy
- 6.Vijayalakshmi
- 7.Anbu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the petitioner's wife, namely, Asha Mercy / detenu, aged about 26 years, either in person or body before this Court and thereupon set her at liberty from the illegal detention of the respondents No.4 to 7 respondent forthwith.

For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 to R3



O R D E R

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

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 to 3 to produce his wife, namely, Asha Mercy, aged about 26 years, before this Court and set her at liberty.

2. It is represented by the learned Additional Public Prosecutor that the detainee was secured by the respondent Police on 01.10.2020 and after performing Covid Test, the custody of the detainee was handed over to her parents and thereafter, she was admitted in Covid Ward in the Government Hospital, Trichy, however, the detainee was found missing from 10.10.2020.

3. The learned counsel for the petitioner would submit that the detainee is having two minor children and when the marriage with the petitioner is in force, she has eloped with the fourth respondent.

4. Mrs.Jasi Rani, mother of the detainee, who appeared before this Court through Video Conferencing, would fairly submit that the detainee is a major and leaving her husband / petitioner herein, she has eloped with the fourth respondent.

5. The statement of the learned counsel for the petitioner and the mother of the detainee would show that the detainee is not under the illegal detention of the respondents 4 to 7 and on her own volition, she has eloped with the fourth respondent.

6. In view of the above facts, the habeas corpus petition is not maintainable and the same is dismissed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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



To:

1. The Commissioner of Police,
Trichy City, Trichy District.
2. The Assistant Commissioner of Police,
Cantonment, Trichy District.
3. The Inspector of Police,
Edamalaipatti Pudur Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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