



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.934 of 2020

WEB COPY

S.Balaji

... Petitioner/Husband of the detenue

-vs-

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

2.The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

3.Balasubramanian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas directing the respondents 1 and 2 to produce the body of the Petitioner's wife namely Pirakashini, aged about 30 years, Wife of Balaji, now detained by the third respondent before this Court and set her at liberty.

For Petitioner : Mr.S.Sundarapandian

For Respondents : Mr.K.K.Ramakrishnan
1 and 2 Additional Public Prosecutor

O R D E R

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

Heard Mr.S.Sundarapandian, learned counsel appearing for the Petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials available on record.

2.The Petitioner has come up with this Habeas Corpus Petition praying for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the Petitioner's wife namely Pirakashini, aged about 30 years, Wife of Balaji, from the illegal detention of the third respondent, before this Court and set her at liberty.



3.The Petitioner would state that in the year 2007, he married the detenue Pirakashini and out of their lawful wedlock, they are blessed with two sons aged about 12 and 10 years respectively. It is alleged that the third respondent had frequently visited the Petitioner's house and thereby he developed relationship with his wife and from 9.9.2020, she was found missing. Inspite of the complaint given to the second respondent Police, no action was taken.

4.When the matter is taken up for hearing today, the detenue appeared before this Court through video-conferencing from the Additional Public Prosecutor's Office . On enquiry, she stated that the Petitioner is her husband and he is working as Driver in a Minibus.She would further state that she was physically assaulted and harassed by the Petitioner daily and had also demanded dowry from her parents. It is also stated that he used to threaten to kill the detenue by using gas and he is also facing number of criminal cases and now she is employed in a Private Mill. She is not willing to join with the Petitioner herein.

5.In the light of the above statement made by the detenue, we are of the view that nothing survives for consideration in this Habeas Corpus petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

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.

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



To:

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

ORDER MADE IN
H.C.P. (MD) No.934 of 2020
06.11.2020

SSS (CO)
KM (19.11.2020) 3P 4C