



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.1014 of 2020

Vijay Anand

... Petitioner

-VS-

State rep.by

1. The Commissioner of Police
Madurai City, Madurai

2. The Inspector of Police
Thallakulam Police Station
Thallakulam, Madurai-2

3. The Inspector of Police
Anna Nagar Police Station
Anna Nagar, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the detinue, by name, Perisa, wife of Vijay Anand, aged about 24 years, before this Court and set her at liberty.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.K.Dinesh Babu

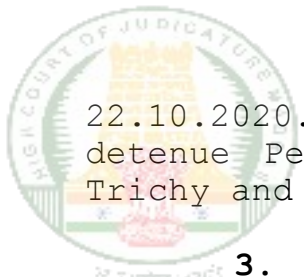
Additional Public Prosecutor

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 to produce his wife, namely, Perisa, aged about 24 years, before this Court and set her at liberty.

2. The petitioner would claim that he is working in the Office of Hello FM Radio in Madurai. The petitioner would further state that he married one Esthar Jeyarani on 24.06.2015 and out of the lawful wedlock, a female child was born to them. However, subsequently, due to misunderstanding, both are separated and the petitioner filed a divorce petition in O.P.No.10 of 2018, before the Family Court, Madurai, in which, an ex parte decree was granted on



22.10.2020. It is further stated that on 16.09.2020, he married the detenu Perisa and the same was also registered in a Church at Trichy and they were living happily on 05.11.2020.

3. According to the petitioner, the detenu went to her parents house situated at K.K.Nagar, Madurai, however she did not return back and he also could not contact her and even her Cellphone is always switched off. It is alleged by the petitioner that when he contacted his in-laws, they replied that the detenu did not come to their house and hence, he lodged a complaint before the second respondent on 06.11.2020 and a reminder was also given on 09.11.2020, but, no action was taken by the respondent Police.

4. Today, when the matter is taken up for hearing, the petitioner and the detenu appeared before this Court through Video Conferencing, from the Office of the Public Prosecutor. On enquiry, the detenu would state that though she married the petitioner on 16.09.2020, in view of the fact that the dispute between the petitioner and his first wife has not come to an end, now she is residing with her parents.

5. Mr.P.Santhana Krishnan, learned counsel appearing for the petitioner, would state that in view of the statement of the detenu, the petitioner is ready to approach the competent Civil Forum for his remedies.

6. In the light of the above statement of the detenu, the habeas corpus petition is closed giving liberty to the petitioner to workout his remedies before the competent Civil Forum in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

// 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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To:

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Thallakulam, Madurai-2.
3. The Inspector of Police,
Anna Nagar Police Station,
Anna Nagar, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1014 of 2020
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SR(CO)
CS(15.12.2020) 3P 5C