

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 15.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

H.C.P.No.233 of 2021

N.Saravanan ... Petitioner

versus

1.The State rep. by
The Superintendent of Police,
District Police Office,
Tiruvarur, Tiruvarur District.

2.The State rep. by
The Inspector of Police,
Thalaiyamangalam Police Station,
Tiruvarur District.

3.G.Tamilarasan

4.G.Nandhini ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detinue or body, namely Mrs.Nandhini, D/o.G.Tamilarasan, who is now aged 27 years before this Court and set her at liberty.

For Petitioner : Mr.G.Karunamaya for
Mr.K.M.Subramanian

For Respondents : Mr.R.Prathap Kumar,
Additional Public Prosecutor
for R1 and R2

O R D E R

(Order of this Court was delivered by T.RAJA,J.)

This Habeas Corpus Petition has been filed by the petitioner seeking a direction to respondents 1 and 2, namely, the Superintendent of Police, District Police Office, Tiruvarur, Tiruvarur District and the Inspector of Police, Thalaimangalam Police Station, Tiruvarur District to produce

the detenue or body, namely Mrs.Nandhini, D/o.G.Tamilarasan, who is now aged 27 years, before this Court and set her at liberty.

2.Learned Additional Public Prosecutor appearing for respondents 1 and 2, drawing our notice to paragraph 6 of the petition, submitted that the wife of the petitioner/the detenue has already filed an Original Suit in O.S. No.122 of 2016 before the District Munsif Court, Nagapattinam to declare the marriage between the petitioner and the detenue as null and void and a written statement has also been filed in the said Suit. Thereafter, a petition in Tr.C.M.P. No.489 of 2020 has been filed by the detenue under Section 24 of the Civil Procedure Code seeking transfer of the above O.S. No.122 of 2016 from the file of the District Munsif Court, Nagapattinam to the file of the District Munsif Court, Mannargudi and this Court, by order dated 03.02.2021, had transferred the said suit as prayed for.

3.When the above Suit in O.S. No.122 of 2016 filed by the detenue before the District Munsif Court, Nagapattinam to declare the marriage between the petitioner and the detenue as null and void is pending for consideration and awaiting for trial, the petitioner cannot maintain this petition for writ of Habeas Corpus under Article 226 of the Constitution of India seeking a direction to respondents 1 and 2 to produce the detenue before this Court. As there is no allegation of illegal detention and that there is no merit in the petition filed by the petitioner, we are inclined to dismiss this Habeas Corpus Petition. Accordingly, the petition fails and the same is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga
To

1.The Superintendent of Police,
District Police Office,
Tiruvarur, Tiruvarur District.

2.The Inspector of Police,
Thalaiyamangalam Police Station,
Tiruvarur District.

3.The Public Prosecutor,High Court, Madras.

4. The District Munsif Court, Nagapattinam

H.C.P.No.233 of 2021

A.SK(10.03.2021)