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H.C.P.(MD) No.157 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.157 of 2021

T.Balasaraswathi

... Petitioner

-vs-

1.The Superintendent of Police  
Office of the Superintendent of Police  
Virudhunagar District

2.The Deputy Superintendent of Police  
Office of the Superintendent of Police  
Aruppukottai, Virudhunagar District

3.The Inspector of Police  
Aruppukottai Town Police Station  
Aruppukottai, Virudhunagar District

4.Mariyammal

5.Boominathan

6.P.Sudhakar

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1<sup>st</sup> to 3<sup>rd</sup> respondents to produce the body and person of the petitioner's husband namely P.Vinothkumar, son of Paramasivam, aged about 34 years, before this Court and set him at liberty.

For Petitioner : Mr.Arunnithy.S.

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.]**

Heard Mr.S.Arunnithy, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who takes notice for the respondents 1 to 3 and perused the materials available on record.



2. The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 to 3 to produce her husband, namely, P.Vinothkumar, son of Paramasivam, aged about 34 years, before this Court and set him at liberty.

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3. The petitioner is the wife of the detenu. According to the petitioner, their marriage had taken place on 02.11.2017. It appears that due to matrimonial dispute, they are living apart and the detenu has filed H.M.O.P.No.204 of 2019, before the Sub Court, Theni, for divorce and the petitioner has filed H.M.O.P.No.142 of 2020, before the Family Court, Madurai, for restitution of conjugal rights. When these two cases are pending, the petitioner has also filed a case in Crl.M.P.No.787 of 2020 under the provisions of Domestic Violence Act and the same is pending before the Additional Mahila Court, Madurai.

4. It is the contention of the learned counsel for the petitioner that when the case filed under the provisions of Domestic Violence Act was taken up for hearing on 12.01.2021, the petitioner came to know that her husband was found missing from 12.01.2021. In this regard, the detenu's father lodged a complaint before the third respondent and the same was registered on 19.01.2021 in Crime No.15 of 2021, under "Man Missing". Contending that the whereabouts of her husband is not known, the petitioner has filed the present habeas corpus petition.

5. It is not disputed that in respect of missing of the detenu, a case is already registered in Crime No.15 of 2021, on the file of the third respondent and it is under investigation. But, without providing sufficient time, this habeas corpus petition came to be filed. So, we are not inclined to entertain the habeas corpus petition. However, we direct the third respondent to investigate the case in Crime No.15 of 2021 in accordance with law and take effective steps to secure the detenu.

6. With the above observations, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2021

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

+1 CC to M/s.S.ARUNNITHY, Advocate ( SR-3253[F] dated 04/02/2021 )

**H.C.P. (MD) No.157 of 2021**  
**04.02.2021**

DKS (CO)

TR(22.02.2021) 3P 6C