



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

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CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.472 of 2021

Gokulan ... Petitioner/  
Husband of the detenue

-vs-

1. The Superintendent of Police,  
The Superintendent of Police Office,  
Trichirappalli.

2. The Inspector of Police,  
Thuraiyoor Police Station,  
Trichirappalli District.

3.R.Suresh ... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the person or body of the detenue namely, Jothi, daughter of Duraisamy, aged 27 years before this Court and set her at liberty.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.S.Chandrasekar  
1 and 2 Addl. Public Prosecutor

For Respondent-3 : Mr.R.Mohanasundaram

**ORDER**

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

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the detainee namely, Jothi, daughter of Duraisamy, aged 27 years before this Court and set her at liberty.

2.The Petitioner would claim that he married the detainee on 4.6.2018 at Kambaperumal Temple, Manavalam, Trichy District as per Hindu rites and customs. After marriage, they were living together and subsequently he had gone to abroad for employment on 13.6.2018 and he applied for visa to his wife. In the meanwhile, she had gone to her parental home. After his return to India, his wife refused to come and join with his family and hence he filed H.M.O.P.No.6 of 2019 before the Sub-Court, Thuraiyur, Tiruchirappalli seeking restitution of conjugal rights.

3.He would further state that his wife did not appear for any hearing in the H.M.O.P and thereafter, he found that she was not living with her parents. Immediately he approached the second respondent on 11.6.2020 and lodged a complaint. It is further alleged that she is in the illegal custody of the third respondent. Since no action was taken by the second respondent to trace her whereabouts, the Petitioner has filed the present Habeas Corpus Petition.

4.Heard Mr.M.Ramu, learned counsel appearing for the Petitioner, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.R.Mohanasundaram, learned counsel appearing for the third respondent and perused the materials placed before this Court.

5.In pursuance of the notice issued in this Habeas Corpus Petition, the second respondent Police produced the detainee before this Court today. On enquiry, she would state that she married the third respondent on 20.10.2019 and she is now pregnant. It is further stated that she never married the Petitioner. Even though the betrothal function was conducted, subsequently she came to know that he already married some other lady and hence the marriage did not take place with the Petitioner.

6.It is seen from the records that H.M.O.P.No.6 of 2019 has been filed for restitution of conjugal rights alleging that the detainee is not living with the Petitioner since 2019. The petitioner also did not produce any records to show that he married the detainee on 4.6.2018. In the light of the statement of the detainee, we find no merit in the Habeas Corpus Petition.



7. Accordingly, the Habeas Corpus Petition stands dismissed with cost of Rs.25,000/- payable by the Petitioner to the Mediation and Conciliation Centre at Madurai.

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Sd/-

Assistant Registrar (P & A)

// 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.

To:

1. The Superintendent of Police, The Superintendent of Police Office, Trichirappalli.
2. The Inspector of Police, Thuraiyoor Police Station, Trichirappalli District.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Account Officer, Madurai Bench of Madras High Court, Madurai.
2. The Deputy Registrar, Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai.

**ORDER MADE IN**  
**H.C.P. (MD) No.472 of 2021**  
**09.04.2021**

RS (06.05.2021) 3P 6C