



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.574 of 2021

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Vembu ... Petitioner/Husband of the detenue

-vs-

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

2.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

3.Arumugam ... 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 body or person of the Petitioner's wife namely (detenue) Selvi, aged about 45 years, daughter of Lakshmanan before this Court and set her at liberty within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chithambaram

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

O R D E R

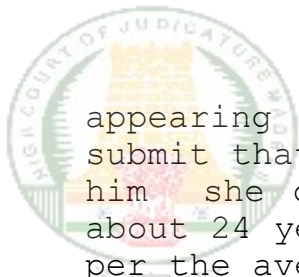
[Order of the Court was made by K.KALYANASUNDARAM, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the Petitioner's wife namely, Selvi, aged 45 years before this Court and set her at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner would claim that he married the detenue on 30.11.1999. She was working as a Sweeper in Veeravanallur Municipality. However, she was found missing from 11.02.2021. Hence he lodged a complaint with the second respondent on 3.3.2021. Since no action was taken, another complaint was given on 23.3.2021. Even then, no fruitful result has come. The Petitioner further alleged that the detenue was having illicit relationship with the third respondent. Hence he has come up with the present Habeas Corpus Petition.

4. Mr. K.K.Ramakrishnan, learned Additional Public Prosecutor
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appearing for the respondents 1 and 2, on instructions, would submit that the detenue Selvi is wife of one Sundarrajan and through him she delivered a child by name Muthukumar and now he is aged about 24 years and got married. He would further submit that even as per the averments in the complaint, it is a case of illicit intimacy of the Petitioner with the detenue. It is further submitted that based on the complaint given by the Petitioner, a case was registered in C.S.R.No.171 of 2021 and the investigation is going on. It is also stated that an attempt is being made by the Petitioner to grab the property allowed to the detenue

5.In the light of the above statements of the learned Additional Public Prosecutor, we find no merit in the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is dismissed, with liberty to the Petitioner to work out his remedy before the competent Civil Court. However, it is for the second respondent to speed up the investigation based on the complaint given by the Petitioner.

Sd/-

Assistant Registrar (CSII)

// 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,
Office of the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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