



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM :

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

H.C.P. (MD) No.674 of 2021

Sheik Azeem

.. Petitioner/Husband of the Detenue

Vs

1. State Represent by the
Superintendent of Police,
Thirunelveli District.
2. The Inspector of Police,
Ervadi Police Station,
Ervadi,
Thirunelveli District.
3. Kathar Iqbal
4. Uthuma Natchi
5. Kuttu Shahib @ Meera Sahib
6. Aneez
7. Banu

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's wife one Shanisha aged about 22 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.S.A.S.Alaudeen

For respondents : Mr.S.Chandrasekar
Additional Public Prosecutor
for R1 and R2
Mr.R.Krishnan for Detenue

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]



Heard Mr.S.A.S.Alaudeen, learned Counsel appearing for the petitioner, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.R.Krishnan, learned Counsel appearing for the detainee.

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2. The petitioner has filed this habeas corpus petition stating that his wife Shanisha, aged about 22 years, has been illegally detained by her parents-respondents 3 and 4.

3. The learned Counsel appearing for the petitioner would submit that the marriage was an arranged marriage and in this regard he has drawn our attention to the registration certificate. It is further submitted that at the instigation of the respondents 5 to 7, the respondents 3 and 4 have illegally taken custody of the detainee and she is not allowed to meet the petitioner, her husband.

4. The learned Additional Public Prosecutor, on instructions from the respondents 1 to 2 submitted that on 16.04.2021 itself, the detainee along with her parents-respondents 3 and 4 has voluntarily left for London and she is also willing to appear through video conferencing, in the present proceedings.

5. Considering the facts, it is clear that it is a matrimonial dispute and we are not inclined to go into the allegations set out by the learned Counsel appearing for the respondents 3 and 4, as it may have an impact in the proceedings that may be initiated by the petitioner before the Family Court.

6. In the result, we do not find any illegal detention. Hence, the Habeas Corpus petition is dismissed. However, it is left open to the petitioner to work out his remedy before the appropriate Forum.

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.

<https://hcservices.ecourts.gov.in/hcservices/>



1. The Superintendent of Police,
Thirunelveli District.

2. The Inspector of Police,
Ervadi Police Station,
Ervadi,
Thirunelveli District.

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GS (20.05.2021) 3P 3C