



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.802 of 2021

Malleswari

... Petitioner/Wife of Detenue

-vs-

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.

3.Subathra

4.Muthuvel

5.Maharajan

6.S.Marimuthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondent Nos.1 and 2 to produce the petitioner's husband namely Mr.Velraj (46/M) or his body before this Court and set him at liberty.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Ravi

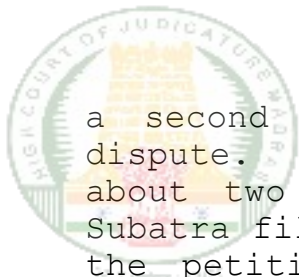
Standing Counsel for Government

O R D E R

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

This habeas corpus petition has been filed for a direction to the respondents 1 and 2 to produce the petitioner's husband namely Mr.Velraj (46/M) or his body before this Court and set him at liberty.

2. Mr.M.Jerin Mathew, learned counsel appearing for the petitioner would argue that the detenu Velraj married one Subatra as
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a second wife, but they were living apart due to matrimonial dispute. The detenu was living with the petitioner for the past about two years. It is also submitted that the detenu's wife Subatra filed a complaint under the Domestic Violence Act, in which, the petitioner is also arrayed as one of the respondents. He further added that the detenu misbehaved with the daughter of the petitioner and when it was objected, he left the house of the petitioner.

3. When the matter is taken up for hearing today, the detenue appeared before this Court through Video Conferencing from the Public Prosecutor Office and stated that he married Subatra about 6 years ago. They are blessed with a son, who is 5 years old. He further stated that the petitioner belongs to the same village, but he does not have any relationship with the petitioner.

4. In the light of the above statement of the detenue, we find no merits in the habeas corpus petition and hence, the same is dismissed with liberty to the petitioner to work out her remedy before the concerned Civil Court.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

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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,
Theni District,
Theni.

2.The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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