



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.799 of 2021

Arumugam,M/46 S/o.Sudalaiyandithevar

... Petitioner

-vs-

1.The State,

Rep. by the Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,

Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body or corpus of the petitioner's wife viz., Vallimayil, W/o.Arumugam, aged about 38 years, his minor daughter viz., Subashini, D/o.Arumugam, aged about 17 years, and his another minor daughter viz., Devadharshini, D/o.Arumugam, aged about 10 years, who are all residing at No.10/243 C, 4th Street, Gandhi Nagar, Pavoorchatram, Tenkasi District, before this Court, by securing them from illegal custody and set them at liberty or handing over to proper custody forthwith.

For Petitioner :Mr.B.Jeyakumar

For Respondents:Mr.S.Ravi

Standing Counsel for TamilNaduGovernment

For Detenues : Mr.SRA.Ramachandran



O R D E R

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

Heard Mr.B.Jeyakumar, learned counsel appearing for the petitioner, Mr.S.Ravi, learned Standing Counsel appearing for the respondents and Mr.SRA.Ramachandran, learned counsel appearing for the detenues and perused the materials available on record.

2.The prayer in this Habeas Corpus Petition is to direct the respondents to produce the petitioner's wife viz., Vallimayil, aged about 38 years and his minor daughters viz., Subashini and Devadharshini, aged about 17 years and 10 years, respectively, before this Court and set them at liberty.

3.The petitioner would state that he married to Vallimayil about 23 years ago and they are having three daughters viz., Ramya, Subashini and Devadhrashini. The first daughter is studying in a Siddha Medical College at Salem and the second and third daughters are studying in a School. It is alleged that the detenues had left the house on 10.04.2020 to go for Temple. But, subsequently, they did not return to home. Hence, the petitioner lodged a complaint with the second respondent on 05.05.2021. However, no effective steps were taken to secure the detenues. Hence, the present Habeas Corpus Petition.

4.When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing Counsel appearing for the respondents would submit that there was a matrimonial dispute between the petitioner and his wife. In pursuance of the complaint given by the petitioner, the second respondent conducted enquiry, in which, both of them appeared on 28.05.2021. He would further submit that the wife of the petitioner is not willing to join with him.

5.Mr.SRA.Ramachandran, learned counsel appearing for the detenues would submit that the wife of the petitioner lodged a complaint with the All Women Police Station, Alangulam, on 05.08.2019 against the petitioner for the harrasment meted out by him. It is his submission that the detenues are now residing at Salem, where the petitioner's elder daughter is studying in a Siddha Medical College. H.M.O.P.No.133 of 2019 has been filed before the Sub-Court, Tenkasi, for restitution of conjugal rights, both the parties are contesting the matter.

6.The submissions made by the learned Standing Counsel appearing for the State and the learned counsel appearing for the detenues are not disputed by the learned counsel appearing for the petitioner.



7. In the light of the above facts, we find no merit in this Habeas Corpus Petition. Hence, this Habeas Corpus Petition is liable to be dismissed. Accordingly, it is dismissed.

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Sd/-

Assistant Registrar (T&P)

// 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,
Tenkasi District,
Tenkasi.
2. The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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