



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.906 of 2021

WEB COPY

Sumithra

... Petitioner/wife of the detenu

-vs-

The state, represented by

1.The Superintendent of Police,
District Police Office,
Pudukkottai District.

2.The Inspector of Police,
Gandarvakottai Police Station,
Pudukkottai District.

3.Pichaiah

3.Vinotha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 and 2 to produce the body or person of the detenu namely Senthilnathan, son of Pichaiah, aged about 39 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Nagamuthu

For Respondents : Mr.S.Ravi

land 2 Standing Counsel for the State

O R D E R

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

Heard Mr.C.Nagamuthu, learned counsel for the Petitioner and Mr.S.Ravi, learned Standing Counsel for the State appearing for the respondents 1 and 2 and perused the materials available on record.

2.The Petitioner has come forward with this Habeas Corpus Petition seeking for a direction to the respondents 1 and 2 to produce her husband namely, Senthilnathan, aged 39 years before this Court and set him at liberty forthwith.

3.The case of the Petitioner is that on 10.7.2009, she was married to the detenu in accordance with the Hindu customs and rites. It was an arranged marriage and after marriage, her husband



had gone to Dubai for employment. When they were living together, they were blessed with two daughters and one son.

4.The grievance of the Petitioner is that when the detenu was in abroad, she could not contact him, despite she tried numerous times. Hence she approached her mother-in-law/third respondent herein, where she was assaulted. Thereafter, she lodged a complaint on 2.12.2019 with All Women Police Station, Pudukkottai and the First information Report was registered in Crime No.16 of 2019 against her husband and in-laws.

5.The Petitioner would claim that she instituted H.M.O.P.No.74 of 2018 for restitution of conjugal rights. Though the Petition was allowed on 5.3.2021, the detenu has not complied with the directions issued in the H.M.O.P. The learned counsel for the Petitioner would submit that the detenu has married the fourth respondent, as second wife and he is now illegally detained by the respondents 3 and 4. R3 is the mother of R4. Thereafter, she sent a representation to the respondents on 2.6.2021 and filed this Habeas Corpus petition.

6.From the perusal of the records, it is seen that the Petitioner and her husband are living apart since 2018 and the H.M.O.PNo.174 of 2018 filed by the Petitioner for restitution of conjugal rights was allowed on 5.3.2021. It is also seen that the Petitioner had lodged a complaint with the second respondent/Police on 2.12.2019 alleging dowry harassment and the same was registered in Crime No.16 of 2019, for the offence under Sections 498(A), 323 and 506(i) IPC. The records reveal that due to matrimonial dispute, they are living separately.

7.In view of the above facts and circumstances, this Court finds no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (CSIII)

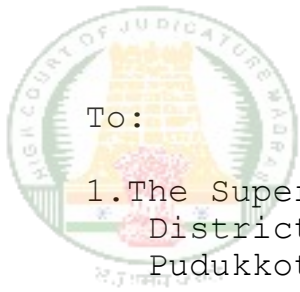
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/ /2021

Sub Assistant Registrar(CS)

vsn

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,
District Police Office,
Pudukkottai District.
- 2.The Inspector of Police,
Gandarvakottai Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(06.07.2021) 3P 4C