



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.923 of 2021

Suresh

... Petitioner/Husband of the detenu
-vs-

1.The Superintendent of Police,
Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thiruvaiyaru Post,
Thanjavur District.

3.The Inspector of Police,
Kallanai Police Station,
Kallanai Post,
Thanjavur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the person or body of the petitioner's wife Sukanthi, wife of Suresh, aged about 38 years and petitioner's minor son Krishvanth, son of Suresh, aged about three years and produce them before this Court and set them at liberty.

For Petitioner : Mr.P.Ganapathi Subramanian

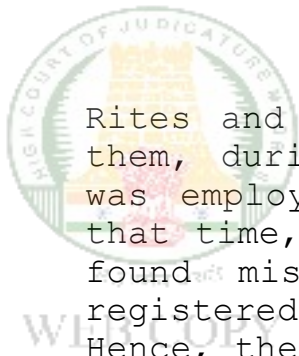
For Respondents : Mr.S.Ravi
Standing counsel for Government

O R D E R

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

This petition has been filed seeking direction to the respondents to secure the petitioner's wife Sukanthi, aged about 38 years and his son Krishvanth, aged about three years and produce them before this Court and set them at liberty.

2. The petitioner is the husband of the first detenu and the marriage between them was solemnised in accordance with the Hindu



Rites and Customs, on 06.03.2016. The second detenu was born to them, during the lawful wedlock. He would further state that he was employed at Singapore and returned to his native place, at that time, his wife was residing with her father. However, she is found missing now and hence, he sent a complaint through registered post to the third respondent, but no action was taken. Hence, the present habeas corpus petition.

3. Mr.S.Ravi, learned Standing counsel appearing for the respondents on instructions would state that due to matrimonial dispute between the petitioner and his wife, she is living apart and she has also filed H.M.O.P.No.71 of 2021 against the petitioner, seeking divorce before the Principal Sub Judge, Sub Court, Trichy. It is also stated that since the first detenu's father compelled her to live with the petitioner, she left the parental home and living separately. In this regard, the first detenu's brother lodged a complaint with the Thogur Police Station and the same was registered in C.S.R.No.77 of 2021. During the enquiry, the first detenu appeared before the police on 05.06.2021 and she has stated that she does not want to live with her parents and the petitioner.

4. In the light of the above statement of the learned Standing counsel appearing for the respondents, we find no merit in the habeas corpus petition. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Thanjavur.



2.The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thiruvaiyaru Post,
Thanjavur District.

3.The Inspector of Police,
Kallanai Police Station,
Kallanai Post,
Thanjavur District.

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

ORDER MADE IN

H.C.P. (MD) No.923 of 2021

01.07.2021

CN(13.07.2021) 3P 5C