



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1134 of 2021

M.Rajiv Gandhi

... Petitioner

-vs-

1.The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Madurai District.

3. Mrs. Radhika

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's wife/detenu namely Saarumathy (aged 23 years) and minor son Tudharshan(aged 5 years) before this Court and set them at liberty based on the petitioner's representation dated 24.07.2021.

For Petitioner : Mr.S.P.Naveenkumar

For R1 & R2 : Mr.S.Ravi

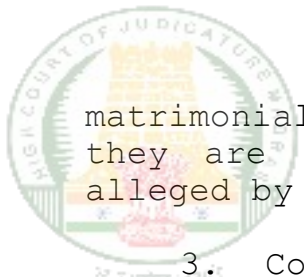
Standing counsel for the State

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

Alleging that the petitioner's wife by name Saarumathy, aged about 23 years along with minor child by name Tudharshan, aged about 5 years, found missing, the petitioner said to have given a complaint before the second respondent police on 24.07.2021. But, so far no action has been taken by the second respondent police to secure the detenus, hence the present Habeas Corpus Petition has been filed.

2. Earlier notice was ordered. When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing Counsel appearing for the State, on instructions would submit that due to some matrimonial dispute, the wife of the petitioner/first detenu left the



matrimonial home along with the child and for the past five years, they are living separately and there is no illegal custody as alleged by the petitioner.

3. Considering the circumstances that due to matrimonial dispute, the wife of the petitioner/first detenu, left the matrimonial home and living separately along with the child, there is no illegal detention as alleged by the petitioner, this Habeas Corpus Petition is not at all maintainable. If at all the petitioner wants the custody of the minor child, it is always open to him to approach the competent Civil Court and seek appropriate remedy in the manner known to law.

4. With the above directions, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Madurai District.

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

H.C.P. (MD) No.1134 of 2021

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MGJ(13.09.2021) 2P 4C