



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :18.08.2021

CORAM:

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

H.C.P. (MD) No.1168 of 2021

Mohammed Rishak

...Petitioner/Husband of the detenu

-VS-

1. State Represented through
The Superintendent of Police,
District Police Office,
Tirunelveli District.
2. The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.
3. Balasubramaniam
4. Siva Sibul

... 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 detenu namely Sashmitha @ Larifa W/o. Mohammed Rishak, aged about 22 years, before this Hon'ble Court and set her at liberty.

For Petitioner :Mr.A.Syed Abdul Kather

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 Sashmitha @ Larifa, aged 22 years, found missing from 22.06.2021, the petitioner has lodged a complaint before the second respondent. But, so far no action has been taken to secure the detenu. Hence, the present Habeas Corpus Petition.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Standing counsel appearing for the State, on instructions



would submit that already the detenu has filed a suit in O.S.No.20 of 2021, before the Family Court, Tirunelveli, seeking for dissolution of marriage, in which a summon was also issued to the petitioner and the petitioner has received the summon and he did not appear before the Family Court.

3. Considering the fact that already the petitioner's wife has filed a suit in O.S.No.20 of 2021, for dissolution of marriage, alleging that she is in her parents house, there is no illegal custody as alleged by the petitioner. Hence, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS I)

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

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MGJ(01.09.2021) 2P 4C