



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1433 of 2021

J.Chandralekha

... Petitioner/Wife of the detenu

vs.

1.The Commissioner of Police,
Office of the Commissioner,
Madurai.

2.The Inspector of Police,
Tallakulam All Women Police Station,
Tallakulam,
Madurai.

3.The Inspector of Police (L & O),
K.Pudur Police Station,
Pudur,
Madurai.

4.The Inspector of Police (L & O),
Mattuthavani Police Station,
Mattuthavani,
Madurai.

5.Rajasekar

6.Sankareshwari

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, direct the official respondents to produce the body or person of the petitioner's husband namely, Jeyakumar S/o.Devaraj aged about 40 years, before this court and set him at liberty forthwith.

For Petitioner: Mr.R.Babu Jaganath

For R1-R4 : Mr.S. Ravi

Additional Public Prosecutor



O R D E R

(Order of the Court was made by J.NISHA BANU, J.)

The petitioner is the wife of the detenu and the petitioner's husband namely, Jeyakumar S/o.Devaraj aged about 40 years, found missing. The petitioner is said to have given a complaint before the third respondent police alleging that the respondents 5 and 6, who are the brother and sister of the detenu, illegally detained him. Since no action has been taken by the respondent police to secure the detenu, the present Habeas Corpus Petition has been filed.

2. When the matter is taken up for hearing today, Mr.S.Ravi, learned Additional Public Prosecutor, on instructions, would submit that there is matrimonial dispute between the petitioner and the detenu and she has already initiated a criminal proceedings under Sections 406, 294(b), 498(A) and 506(2) IPC, and the case is pending in C.C.No.383 of 2019 before the Additional Mahila Court, Madurai, now a Non Bailable Warrant is also pending against the detenu, who is arrayed as the first accused in the case. The learned Additional Public Prosecutor would further submit that investigation reveals that the petitioner's husband is working in United Arab Emirates and he is not illegally detained by anybody.

3. Considering the above facts and already criminal proceedings is pending between the parties and the detenu is said to have been working in United Arab Emirates, we find no illegal detention. Hence, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
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Madurai.



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Tallakulam,
Madurai.

3.The Inspector of Police (L & O),
K.Pudur Police Station,
Pudur,
Madurai.

4.The Inspector of Police (L & O),
Mattuthavani Police Station,
Mattuthavani,
Madurai.

5.Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

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_RD(7.10.2021) 3P 6C