



WEB COPY

H.C.P.(MD) No.1508 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1508 of 2021

G.Baby Shalini

... Petitioner/ Wife of Detenue
-vs-

1.The Superintendent of Police
Nagercoil, Kanyakumari District

2.The Inspector of Police
South Thamaraikulam Police Station
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the first and second respondents to produce the body or person of the detenu / petitioner's husband namely Duraisingh, son of Pauldurai, aged 43 years before this Court and set him at liberty.

For Petitioner : Mr.Suresh Kumar.S.

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

and

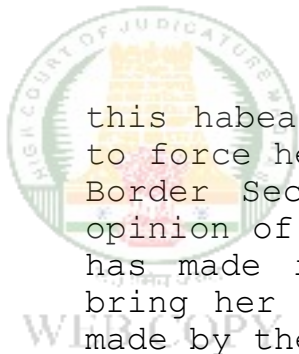
DR.G.JAYACHANDRAN, J.

The petitioner is the wife of Duraisingh, who is working as Havildar in Border Security Force in Chohtan Taluk, Barmer District, Rajasthan. Since her husband failed to meet her on 15.09.2021, the petitioner has filed this habeas corpus petition alleging that her husband is missing and his whereabouts are not known and she suspects the family members of one Suresh, who died recently.

2. On receipt of notice in this habeas corpus petition, the respondent Police has made investigation and found that the petitioner's husband Duraisingh is alive and frequently contacting the petitioner over phone and he is on duty.

3. This Court finds that with frivolous and false details,

<https://hcservices.ecourts.gov.in/hcservices/>



this habeas corpus petition has been filed by the petitioner so as to force her husband, who is in Rajasthan and serving as Havildar in Border Security Force, to come down to Tamil Nadu, which in the opinion of this Court is an abuse of process of law. The petitioner has made imaginary allegations on the family of Suresh so as to bring her husband from Rajasthan and to meet her. Such an attempt made by the petitioner by invoking the extraordinary jurisdiction of this Court has to be curbed and curtailed. Hence, this habeas corpus petition is dismissed with a cost of Rs.15,000/- (Rupees fifteen thousand only) payable to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

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 Chairman,
High Court Legal Services Authority,
Madurai Bench of Madras High Court, Madurai.
2. The Superintendent of Police,
Nagercoil, Kanyakumari District.
3. The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD) No.1508 of 2021

11.11.2021

_RD/PM(25.11.2021) 2P 5C