



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.1194 of 2020

Mokkarasu ...Petitioner/Husband of Detenu
-vs-

1.The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

3.Murugan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents herein to produce the detenu or her corpus, namely, Thulasimani, W/o.Mokkarasu, female, aged about 39 years before this Court and to set her at liberty forthwith.

For Petitioner : Mr.K.Prakash
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

O R D E R

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

This habeas corpus petition has been filed seeking direction to the respondents 1 and 2 to produce the petitioner's wife, namely, Thulasimani, aged about 39 years before this Court and set her at liberty.

2. It is the case of the petitioner that he married the detenu 21 years ago and they are blessed with a child, namely, Kasthuriraja and he is now studying Mechanical Engineering at Kammavar College, Theni. The petitioner would state that he is working as a labour in Cardamom Estate at Chinthanpadi and his wife is an agricultural coolie. It is alleged that his wife was having illicit relationship with third respondent and eloped with him and hence, he lodged a complaint before the second respondent and she was secured by the police from the custody of the third respondent. Again on 08.12.2020 she was found missing. Hence, he lodged a complaint before the second respondent on 08.12.2020 and also sent a representation on 11.12.2020, but there was no response and hence, the present habeas corpus petition has been filed.



3. It is submitted by the learned Additional Public Prosecutor appearing for the respondents 1 & 2 that the detenu eloped with the third respondent on 02.11.2020 and a case was registered in C.S.R.No.690 of 2020 on the file of the second respondent. The detenu was secured on 10.11.2020 and she was handed over to the petitioner. Further, on 08.12.2020 she eloped with one Sathish and she was secured from the State of Kerala.

4. When the matter is taken up for hearing, the petitioner and the detenu appeared before this Court through Video Conferencing. On enquiry, the detenu would state that she is not willing to go with her husband/petitioner herein.

5. The learned counsel appearing for the detenu would state that the detenu was harassed by the petitioner and she is having proposal to file a divorce petition and she was not illegally detained by any person.

6. In the light of the statement made by the detenu and her counsel, we find no merits in this habeas corpus petition and hence, this petition is closed giving liberty to the parties to work out their remedy before the competent Civil Court.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Theni, Theni District.
 - 2.The Inspector of Police,
Chinnamanur Police Station, Theni District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.PRAKASH, Advocate (SR-1241[F] dated 19/01/2021)

H.C.P. (MD) No.1194 of 2020
18.01.2021

CK(CO)

KB(29.01.2021) 2P 5C

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