



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
H.C.P. (MD) No.1662 of 2021

Sonai, S/o.Veeranan ... Petitioner/Husband of detenu

-vs-

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

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's wife and minor daughter either person or body of the detenues viz., Kadambavalli, aged 39 years, W/o.Sonai and her daughter Minor Ajitha,, D/o.Sonai, aged about 15 years before this Court and set them at liberty.

For Petitioner : Mr.V.M.Jegadeeshapandian
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.
and
G.JAYACHANDRAN, J.

The present Habeas Corpus Petition has been filed for a direction to the respondents Police to produce the petitioner's wife and minor daughter viz., Kadambavalli, aged 39 years and Ajitha, aged about 15 years before this Court and set them at liberty.

2.The learned counsel for the petitioner submitted that even though an F.I.R. has been registered in Crime No.241 of 2021 under Woman and Girl Missing on 10.10.2021, no further action has been taken to trace out the whereabouts of the detenues. Hence, the petitioner is before this Court seeking for a suitable direction.



3.Today, when the matter is taken up for hearing, it is represented by the learned Additional Public Prosecutor appearing for the respondents Police that on account of a dispute, the wife of the petitioner has gone to Thiruppur and that the daughter of the petitioner viz., Ajitha is with his wife and the son is with the maternal grandmother.

4.It has been reiterated by the petitioner that though his son was with him initially, he has gone to maternal grandmother's house for celebration of Deepavali festival and he did not turn up and is still in the custody of his maternal grandmother.

5.On enquiry, both the wife and daughter of the petitioner, who are present before this Court, expressed that they want to live separately and not with the petitioner.

6.Considering the fact that the issue revolves around matrimonial dispute and that the detenues have been produced before this Court by the respondents Police, we are not inclined to go into other aspects of the matter. Hence, this Habeas Corpus Petition is dismissed with liberty to the petitioner to work out his remedy before the appropriate forum in accordance with law.

Sd/-

Assistant Registrar (T&P)

// 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 Superintendent of Police,
Madurai District,
Madurai.

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



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

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MMS (CO)

KB(24.11.2021) 3P 4C