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H.C.P.(MD) No.1717 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1717 of 2021

Karuppasamy

... Petitioner / Husband of
Detenue

-vs-

1.The Superintendent of Police
The Superintendent of Police Office
Sivagangai District

2.The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District

... 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 to produce the body or person of the petitioner's wife namely Shandhalakshmi, wife of Karuppasamy, female, aged about 37 years, before this Court and set her at liberty.

For Petitioner : Ms.Ponnuthai.C.R.

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

The petitioner, aged 40 years, has approached this Court by way of this habeas corpus petition contending that his wife Shandhalakshmi, aged 37 years, has left the matrimonial home on 27.10.2021 and that he is under the impression that she has been kidnapped by somebody else.

2. According to the petitioner, he married Shandhalakshmi nineteen years back and that there are two children born out of the wedlock. It is stated that since the petitioner apprehending danger to the life and limb of his wife, he made a complaint to the respondent Police and thereafter, approached this Court by way of this habeas corpus petition.



3. After notice, the respondent Police have retrieved the wife of the petitioner and produced her before this Court.

4. On enquiry, the petitioner's wife submits that due to the harassment by her husband even in the presence of their children and that she has not been protected by the children and no respects have been given to her feelings, she left the matrimonial home on her own and she has no inclination for the present to join the petitioner. Further, the petitioner's wife submits that in case she changes her view at a later point of time, she will decide whether to join the petitioner or not.

5. Taking into consideration the fact that there is a matrimonial disturbance and that the parties are present before this Court and that the wife of the petitioner is not in illegal detention as alleged by the petitioner, we find no merit to entertain this habeas corpus petition.

6. Accordingly, the habeas corpus petition is dismissed. However, liberty is given to the parties to work out their remedies before the appropriate forum in the manner known to law.

Sd/-

Assistant Registrar (CS III)

// 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,
The Superintendent of Police Office,
Sivagangai District.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.



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

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