



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1696 of 2021

Jothimani ... Petitioner/
Husband of the Detenu

Vs.

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

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

3.Vinoth ... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the detenus, namely, Madhavi, W/o.Jothimani, aged about 36 years, Navaneeth, S/o.Jothimani, aged about 13 years and Joice Mary, D/o.Jothimani, aged about 7 yeraas from the illegal custody of the 3rd respondent and produce them before this Court and set them at liberty.

For Petitioner : Mr.T.Lenin Kumar
For R1 and R2 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The petitioner has come forward with the present petition stating that the petitioner and one Madhavi got married 15 years ago under the Christian rites and customs. Out of the wedlock, two children were born, who are 13 years and 7 years old now. The petitioner submitted that he is a Coolie and his wife was missing from the residence from 01.11.2021 for which complaint has been given and taken up by the police for investigation. Since the wife



and children are missing, the petitioner approached this Court contending that they must be secured and produce before this Court.

2. After notice in this Habeas Corpus Petition, Mr.S.Ravi, learned Additional Public Prosecutor appeared before this Court and submitted that in this regard, pursuant to the complaint given by the petitioner herein, a case was registered in CSR.318 of 2021 on 16.09.2021. He further submitted that on 19.09.2021, the petitioner herein/Jothimani as well as the detenu, Mathavi, appeared before the enquiry officer and on enquiry, it was found that she was not missing as alleged in the complaint given by the petitioner herein. But left the matrimonial home due to the difference of opinion between herself and her husband. Thereafter, the petitioner as well as the detenu has given a letter independently that they will work out the remedy through judicial process and will not disturb each other. While so, suppressing the earlier complaint to the police on 16.09.2021, the appearance of the detenu before the police on 19.09.2021, the enquiry conducted by the respondent police and the undertaking given by him to the police, the present Habeas Corpus Petition is filed as if his wife found missing on 01.11.2021 and the complaint given to the second respondent police not acted upon. Infact after giving complaint on 01.11.2021 with the false information that his wife is missing from home on that day from 09.30 a.m., the very next day, the present Habeas Corpus Petition is filed before this Court.

3. The conduct of the petitioner suppressing the earlier complaint and his undertaking to the police that he will not disturb the detenu and will work out the remedy before the appropriate forum is deprecated and the present Habeas Corpus Petition is filed with intention to disturb her with all falsehood and suppression of fact.

4. This Court is of the view that the jurisdiction of Habeas Corpus is highly misused by miscreants like the petitioner herein and therefore, such conducts to be reprimanded by imposing exemplary cost. Hence this Habeas Corpus Petition is dismissed with cost of Rs.25,000/- (Rupees Twenty five thousand only) payable by the petitioner to the credit of High Court Legal Services Authority attached to the Madurai Bench of Madras High Court, Madurai, within a period of four weeks from the date of receipt of a copy of this order.

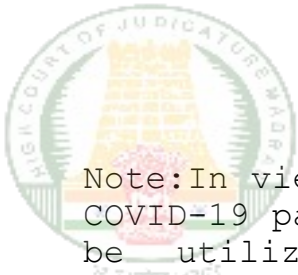
Sd/-

Assistant Registrar (CS II)

// 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,
Virudhunagar District ,
Virudhunagar.
- 2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 3.The Officer in Charge,
High Court Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**H.C.P. (MD) No.1696 of 2021
08.12.2021**

MGJ(23.12.2021) 3P 5C