



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1765 of 2021

M.Singaraj

... Petitioner/Husband of Detenu

-vs-

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

2. The Inspector of Police,
Karur Town Police Station,
Karur District.

3. Marshal (a) Marshal David Kumar ... 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 / detenu namely Suganthi @ Suganya (aged 31 years) before this Court and set her at liberty from the illegal detention of the third respondent.

For Petitioner : Mr.Vaigunth.A.S.

For Respondents : Mr.S.Ravi

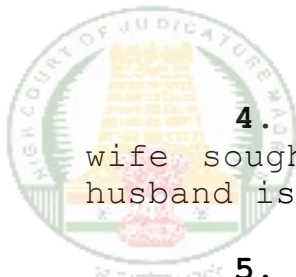
Additional Public Prosecutor for R1&R2

O R D E R

This habeas corpus petition is filed by the husband alleging that his wife Suganthi @ Suganya, aged 31 years, has eloped with the third respondent leaving him and their son.

2. The respondent Police has secured the petitioner's wife. The third respondent is also present before this Court.

3. On enquiry, the petitioner's wife states that she left the matrimonial home on her own, since the petitioner had continuously tortured her physically and mentally. Earlier, when she ran away from the matrimonial home, her husband / petitioner herein gave a criminal complaint before the Karur Town Police Station and a case was registered in Crime No.1447 of 2021 on 19.09.2021 and she was secured by the Police and handed over to the petitioner. Then again, the petitioner tortured her and therefore, she has no other way, but to leave the matrimonial home.



4. The third respondent states that since the petitioner's wife sought asylum, he provided asylum to her knowing that her husband is physically and mentally torturing her.

5. This Court, while trying to counsel the petitioner's wife to join her husband / petitioner herein, she categorically refused to join saying that she cannot live with him due to the torture faced by her at the hands of the petitioner. In such circumstances, this Court is of the view that the petitioner's wife is not illegally detained by anybody. It is open for her to choose her way of life.

6. Since the issue is between two adults and the detinue has left the matrimonial home on her own, this Court exercising the jurisdiction under Article 226 of the Constitution of India can at best to advise the parties to workout their remedies before the appropriate Forum.

7. Recording the above submission of the petitioner's wife, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (AD-II)

// 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 Superintendent of Police,
Karur District, Karur.
2. The Inspector of Police,
Karur Town Police Station, Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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