



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.1787 of 2021

P.Soundarapandi ... Petitioner

-vs-

1.The Superintendent of Police  
O/o.The Superintendent of Police  
Madurai District

2.The Inspector of Police  
Elumalai Police Station  
Madurai District

3.Ajithkumar ... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the corpus or body of petitioner's wife Amutha, aged 22 years, daughter of Ganesan and petitioner's minor son namely Haridev, aged 2  $\frac{3}{4}$  years, son of Soundarapandi, who is under the illegal custody of the third respondent and produce them before this Court and set them at liberty.

For Petitioner : Mr.Laxman.K.R.

For Respondents : Mr.S.Ravi

Additional Public Prosecutor for R1 & R2

**O R D E R**

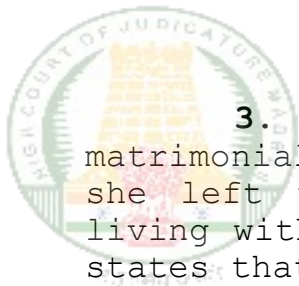
**S.VAIDYANATHAN, J.**

**and**

**DR.G.JAYACHANDRAN, J.**

The petitioner, who is the husband one Amutha, has filed this habeas corpus petition alleging that his wife along with their minor son Haridev, aged 2  $\frac{3}{4}$  years, has eloped with one Ajithkumar along with jewels and cash and her whereabouts are not known.

2. The respondent Police has secured the said Amutha and her minor son and produced them before this Court.



3. On enquiry with the said Amutha, it appears that due to matrimonial dispute between her and her husband / petitioner herein, she left the matrimonial home on her own and presently, she is living with her parents along with her child at Periyakulam and she states that she is not inclined to join the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the mother of the third respondent has given a complaint alleging that said Amutha has eloped with her son / third respondent herein.

5. It appears that the petitioner's wife, who is aged about 22 years, had left the matrimonial home on her own and presently, she is under the care of her mother along with her child. In such circumstances, this Court is of the view that the petitioner's wife is not detained illegally by anybody and hence, the habeas corpus petition is liable to be dismissed.

6. Accordingly, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (W)

// 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,  
O/o.The Superintendent of Police,  
Madurai District.
- 2.The Inspector of Police,  
Elumalai Police Station,Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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VR (CO)  
KB (29.12.2021) 2P 4C