



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.05.2022**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

H.C.P. [MD] .No.700 of 2022

WEB COPY

M.Saravana Kumar

.. Petitioner /
Husband of the Detenue

Vs.

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

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

3.Selvakumar

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to produce the petitioner's wife namely Vaisali aged 23 years, D/o.Selvakumar, based on representation dated 23.04.2022 and set her at liberty.

For Petitioner : Mr.A.Vadivel

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
on behalf of the state
Mr.M.Iniyavan for Detenue

ORDER

[Order of the Court was made by **T.RAJA,J**]

The petitioner, who is the husband of the detenue viz., Vaisali, aged about 23 years, has come up with this Habeas Corpus Petition, seeking a direction to the respondents to produce the detenue before this Court, by considering his representation dated 23.04.2022.

2. The detenue was secured by the Police and produced before us. The learned Additional public Prosecutor submits that the detenue is aged about 23 years and the petitioner is a divorcee and married the detenue. However, after some dispute between the petitioner and the detenue, she left the petitioner and started living with her parents.



3. We enquired the detinue and she would state that the petitioner has not married her and even the statement of the petitioner that he is a divorcee itself is false, since as on date, there is no decree of divorce obtained by the petitioner. She would further state that she wants to stay with her parents. The petitioner has not produced any evidence to show that after divorcing his first wife, he married the detinue. In the absence of any evidence to prove the alleged marriage by the petitioner with the detinue, we allow the detinue to stay along with her parents.

4. With the above observation, this petition is dismissed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am

To

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

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

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

+1 CC to M/s.A. VADIVEL, Advocate (SR-23455[F] dated 05/05/2022)

+1 CC to M/s.M.INIYAVAN, Advocate (SR-23556[F] dated 06/05/2022)

H.C.P. [MD].No.700 of 2022

Dated: 05.05.2022

RK(19/05/2022) 2P 6C