



HCP(MD)No.1050 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **R.VIJAYAKUMAR**

H.C.P.(MD)No.1050 of 2022

Marimuthu

.. Petitioner / husband of
the detenu

Vs.

1.The Superintendent of Police
Dindigul District
Dindigul

2.The Inspector of Police,
Natham Police Station,
Natham
Dindigul District

3.M.Premkumar

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body or person of the detenues namely Kavitha, W/o.Marimuthu aged about 33 years and Kathirvel S/o.Marimuthu aged about 6 years before this Court and set them at liberty forthwith.



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For Petitioner : Mr.S.Elangovan
For Respondents : Mr.T.Senthilkumar for
R1&R2
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

It is the case of the petitioner that he got married to Kavitha and through the wedlock, he has two children Madhankumar (14 years) and Kathirvel (6 years). The petitioner left his family and went on employment to the Middle East. According to the petitioner, he returned to India in May '2022 and a quarrel ensued between him and his wife, in which, his wife left the house along with his son Kathirvel on 28.05.2022 and thereafter, the whereabouts of his wife and son are not known to him. It is his further allegation that his wife had developed intimacy with Premkumar, third respondent herein. On these allegations, the present Habeas Corpus Petition has been filed.



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2. Today, the petitioner, Mr.K.Rajasekaran, Inspector of Police, Natham Police Station, Dindigul District, Kavitha and the child Kathirvel are present.

3. When we interviewed Kavitha, she stated that she left the company of her husband, as she was unable to withstand his torment and lodged a complaint in the All Women Police Station, Vadamadurai on 28.05.2022. She produced a copy of the CSR receipt in this regard. She further stated that she is not in the illegal custody of anyone and she is staying in her relative's house. She prayed to this Court for protection from the petitioner. However, the petitioner stated that he wants reunion and since Kavitha is not in the illegal custody of anyone, no writ of Habeas Corpus can be issued. Hence, this petition is closed. However, we direct the petitioner and Kavitha to appear before the Deputy Registrar, Mediation and Conciliation Centre attached to this Court for the purpose of sending the parties for mediation. The subsequent dates for mediation may be given by the Mediation Centre for the appearance of the parties. If mediation fails, the parties may be advised to approach the appropriate Court for relief. The



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mediation report shall be sent to the Assistant Registrar, (Crl. Side), who shall make it part of the case records of this petition.

(P.N.P.,J.) (R.V.,J.)
01.07.2022

Internet : Yes

RR

To

- 1.The Superintendent of Police
Dindigul District
Dindigul
- 2.The Inspector of Police,
Natham Police Station,
Natham
Dindigul District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Deputy Registrar
Mediation and Conciliation Centre
Madurai Bench of Madras High Court
- 5.The Assistant Registrar (crl. Side)
Madurai Bench of Madras High Court



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P.N.PRAKASH,J.
and
R.VIJAYAKUMAR, J.

RR

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