



H.C.P.(MD)No.1222 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.1222 of 2022

Kumaralingam

: Petitioner

Vs.

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

2.The Inspector of Police,
All Women Police Station,
Sivakasi.

3.Thangapandian

: Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the first and second respondents to secure and produce the body or person of the petitioner's wife namely Mareeswari



H.C.P.(MD)No.1222 of 2022

(Detenu) W/o.Kumaralingam aged about 36 years old from the custody of the third respondent herein and produce before this Court and set her at liberty.

For Petitioner : Mr.M.Ram Kumar

For Respondents 1&2 : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

[Made by R.HEMALATHA, J.]

It is the case of the petitioner that he got married to Mareeswari some 16 years back and through the wedlock he has two children. It is the further allegation of the petitioner that his wife developed intimacy with the third respondent and went missing from 17.06.2022 On these grounds, the present Habeas Corpus Petition has been filed with the above prayer.

2.Heard Mr.M.Ram Kumar, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor who accepts notice on behalf of the respondents 1 & 2.

3.On instructions, learned Additional Public Prosecutor submitted that on a complaint given by Mareeswari against the petitioner, a petition enquiry in All Women Police Station, Sivakasi



H.C.P.(MD)No.1222 of 2022

in C.S.R.No.434 of 2022 was conducted, in which the petitioner and Mareeswari participated. During the enquiry, Mareeswari stated that she has developed intimacy with another person and that she is not willing to go with the petitioner. The police recorded the statements of Mareeswari and the petitioner and closed the petitioner enquiry in C.S.R.No.434 of 2022 on 16.06.2022.

4.We furnished the copy of the statements of the petitioner and Mareeswari in C.S.R.No.434 of 2022 to the learned Counsel for the petitioner across the Bar. The two children are admittedly with the petitioner. In such view of the matter, it cannot be stated that Mareeswari is in the illegal custody of the respondents for the issuance of a Writ of Habeas Corpus.

5.Accordingly, this Habeas Corpus Petition is closed, with liberty to the petitioner to work out his remedy before the appropriate forum.

[P.N.P.J.] & [R.H.,J.]

22.07.2022

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



H.C.P.(MD)No.1222 of 2022

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
All Women Police Station,
Sivakasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1222 of 2022

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

MR

ORDER MADE IN
H.C.P.(MD)No.1222 of 2022

22.07.2022