



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.1933 of 2021

Selvaraj ... Petitioner/Husband of the detenue

Vs.

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

2.The Deputy Superintendent of Police,
Rameshwaram,
Ramanathapuram District.

3.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus directing the respondents to produce or body of detenue namely, Kasthuri, wife of Selvaraj, aged 39 years, Logeswaran, Son of Selvaraj, aged 17 years, before this Court and set them at liberty.

For Petitioner : Mr.P.Surliraja

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The prayer in the Habeas Corpus Petition is to direct the respondents to produce the person or body of the detenue namely, Kasthuri, wife of Selvaraj, aged 39 years, Logeswaran, Son of Selvaraj, aged 17 years, before this Court and set them at liberty.



2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. According to the petitioner, the detenues are kept in illegal custody.

4. When the matter is taken up for hearing today, the detenu namely Logeswaran, aged about 17 years produced before this Court. On enquiry, the detenu stated that he is studying in Catering Technology and also undergone training in a private catering institute, Karaikudi and also stated that his mother has developed relationship with one person from the Village Vellaiyanvalasu and she has eloped with him. The said statement clearly indicates that the wife of the petitioner has developed illegal intimacy and eloped with a person.

5. In the light of the above statement, we do not find any illegal custody. The remedy available to the petitioner is to approach the Family Court seeking for restitution of conjugal rights or any other remedy, if he is advised so.

6. With these observations, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(Records)

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/ /2022

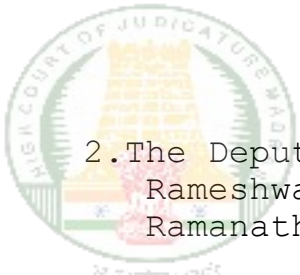
Sub Assistant Registrar(CS)

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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,
Ramanathapuram District.
Ramanathapuram.



2.The Deputy Superintendent of Police,
Rameshwaram,
Ramanathapuram District.

3.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

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

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-4590[F] dated 07/02/2022)

H.C.P. (MD) No.1933 of 2021
07.02.2022

ss (CO)
TR(15.02.2022) 3P 6C