



HCP(MD)No.127 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

H.C.P.(MD)No.127 of 2023

Selvi

.. Petitioner / Wife of
the Detenu

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the person or body of the detenu, ie., the husband of the petitioner, namely Mariappan, S/o.Muthu, aged about 32 years before this Court and set him free.

For Petitioner

:Mr.S.Packiya Muthu

For R1 & R2

:Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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DR G.JAYACHANDRAN,J.
and
K.K. RAMAKRISHNAN,J.

The petitioner, who is the wife of the detenu, has come before this Court by way of Habeas Corpus Petition, alleging that her husband is gone missing from 10.12.2022 deserting herself and 1 ½ years old female child.

2. According to the petitioner, she gave a complaint to the respondent police and the said complaint was registered as C.S.R. So far, the respondent police has not traced her husband/detenu, the present Habeas Corpus Petition is filed.

3. The respondent police has secured the detenu and produced before this Court today. We enquired the detenu. He stated that due to family dispute and quarrel with his wife, he has left the petitioner and living separately.



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4. In view of the above, this Court finds that the matter being a family dispute and the petitioner alleged cruelty and desertion, she has to work out her remedy before the appropriate Court. Petition filed under Article 226 of the Constitution of India seeking issuance of HCP writ is not maintainable. Hence, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (K.K.R.K.,J.)
21.02.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

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



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