



HCP(MD)No.216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.02.2023

CORAM

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

H.C.P.(MD)No.216 of 2023

M.Subhakar

.. Petitioner / Husband of
the Detenu

Vs.

1.The Superintendent of Police,
Tirunelveli District.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing 1st and 2nd respondents to produce the person or body of the detenus namely G.Shalini, D/o.S.Ganesan, aged 21 years and his minor son namely M.Subishan, S/o.M.Subhakar, aged 2 years, before this Court and set them at liberty.

For Petitioner :Mr.C.Venkatesh

For Respondents :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.

This Habeas Corpus Petition is filed by the husband of the detenu alleging that his wife along with minor child were found missing from 12.01.2023 and he has given a complaint to the second respondent, but so far, no action has been taken.

2.According to the petitioner, he is working in Idukki and his wife and minor child are living with his parents at Thevarkulam, Tirunelveli District. During Pongal holiday, he came home on 12.01.2023 and found that his wife and daughter missing. Therefore, he gave a complaint on 14.01.2023.

3.However, the respondent police has registered the complaint and during the course of investigation, they have found that the petitioner and the detenu Shalini got married on 21.01.2020 and due to misunderstanding, she has left the petitioner and now living with her parents at Tirunelveli.



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After enquiring the said Shalini, the complaint given by the petitioner was closed and the same was also informed to the petitioner. Suppressing these facts, this Habeas Corpus Petition is filed.

4.It is a matrimonial dispute and it is not a case of any illegal detention or forcibly abduction as alleged by the petitioner. Hence, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (K.K.R.K.,J.)
16.02.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

1.The Superintendent of Police,
Tirunelveli District.

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

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



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