



H.C.P.(MD) No.320 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.320 of 2023

K.Prabhu

... Petitioner / Husband of the
Detenu

Vs.

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

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

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the person or body of detenu namely Varalakshmi W/o. K.Prabhu, aged about 29 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.R.M.S.Sethuraman
Additional Public Prosecutor



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ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to produce the person or body of detainee, namely, Varalakshmi W/o. K.Prabhu, aged about 29 years, before this Court and set her at liberty.

2. The detainee viz., Varalakshmi, wife of the petitioner has been missing for several years, therefore, in order to bring the body this Habeas Corpus though has been filed. When we have taken up the matter, Mr.R.M.S.Sethuraman, learned Additional Public Prosecutor, appearing for the respondents has stated that, the detainee has been produced before this Court.

3. When we enquired the detainee, she would submit that though she got married with the petitioner more than 10 years back and has been living with him for some time there was a strained relationship between them, therefore, she left the matrimonial house and fell in love with one Balakrishnan and married him in the year 2019 and out of the wedlock she



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gave birth to two children aged about two years and one year and with these two children she is happily residing with the said Balakrishnan.

4. When that being so, we feel that even though the second marriage has taken place during the subsistence of the marital relationship between the petitioner and the detinue, in this regard if at all any relief to be sought for by the petitioner, he has to approach the concerned Court under the personal law jurisdiction and insofar as this Habeas Corpus Petition is concerned, since the detinue is not in illegal custody or confined by any third party, this Habeas Corpus Petition can be disposed of accordingly, by recording the aforestated.

5. Accordingly, this Habeas Corpus Petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

03.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

SJ

To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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