



H.C.P.(MD) No.350 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sivakumar

... Petitioner / Husband of the Detenue

Vs.

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

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

3.Ravikumar

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the Respondents 1 and 2 to produce the body or person of the Petitioner's wife detenue namely Pavithra, aged about 30 years and minor daughter namely Shivani, aged about 6 years before this Hon'ble Court and set them at liberty.

For Petitioner : Mr.S.Vellaichamy



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For Respondents : Mr.A.Thiruvadi Kumar,
1 & 2 Additional Public Prosecutor

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 body or person of the petitioner's wife/detenué, namely, Pavithra, aged about 30 years, and minor daughter, namely, Shivani, aged about 6 years, before this Court and set them at liberty.

2. Pursuant to the earlier notice given to the official respondents, today, when the Habeas Corpus Petition is taken up for hearing, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, appearing for the official respondents has submitted that the detenues are being produced before this Court.

3. The detenues i.e., mother Pavithra and minor daughter Shivani are produced before us and we enquired with the first detenué, who would submit that, she has already left the matrimonial house from the petitioner and married the third respondent viz., Raveenkumar (wrongly typed as



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Ravikumar in the petition) and according to her, the marriage has got solemnised and she is living with him along with her child at the following address:-

Pavithra,
C/o. Raveenkumar,
73, Palakadu Road,
Nallur,
Pollachi.
Phone No.8807190623

4. She would also submit that since she married the 3rd respondent and she wants to live only with him and insofar as the already subsisting marriage with the petitioner is concerned, it is for the petitioner to take necessary legal action to sever the marital relationship between the petitioner and the 1st detainee, she submitted.

5. We have recorded the said statement given by the first detainee and in view of the same, since there has been no illegal custody, under which the deteneues are confined, recording the aforestated, we feel that the Habeas Corpus Petition can be closed, accordingly, it is closed.



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6. Insofar as the further legal action to be taken by the petitioner against the 1st detinue is concerned, it is up to the petitioner to take necessary legal action in the manner known to law.

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

20.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJ

To

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



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

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