



H.C.P.(MD) No.354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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J.Jegadesh

... Petitioner / Husband of the Detenue

Vs.

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

2.The Inspector of Police,
Kollidam Police Station,
Trichy District.

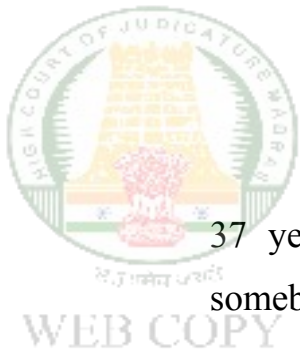
3.Marichamy

4.J.Palraj

5.Rathalakshmi

...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 of the detenue, namely, P.Lakshmipriya, W/o.Jegadesh, aged about



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37 years, who may be in the illegal custody of the 3rd respondent or somebody else and produce before this Court and set her at liberty.

For Petitioner : Mr.G.Balumahendran
For R1 & R2 : Mr.RMS.Sethuraman,
Additional Public Prosecutor
For R4 & R5 : No Appearance

ORDER

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

The petitioner, seeking production of his wife, namely, P.Lakshmi priya, aged about 37 years, has filed this Habeas Corpus Petition.

2.The petitioner is the husband and the detenue is the wife. According to the averment made in the affidavit filed in support of this petition, the marriage between them was solemnized on 02.06.2014 at Uthamar Kovil, Trichirappalli. Thereafter, the petitioner claimed that he came to know about the illicit relationship the detenue had developed with the 3rd respondent and therefore, he had taken the detenue to Canada, where the petitioner was working, where the petitioner claimed that there was a happy married life for sometime. Out of which the detenue had become



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pregnant and thereafter, in the year 2018, they returned back at the time the Permanent Resident Card ie., RR card obtained for the detinue by the petitioner seems to have been pledged by the detinue for a sum Rs.3,00,000/- (Rupees Three Laksh Only) and she started illicit relationship with the 3rd respondent.

3.Pursuant to these strained relationship and the alleged illicit relationship of the detinue with the 3rd respondent, it seems that the petitioner himself had filed a petition, seeking divorce against the detinue at Family Court, Lalgudi and the detinue had also filed a petition for restitution of conjugal rights at Family Court, Kovilpatti and both the cases said to have been pending.

4.When that being so, the present petition is filed as if that the detinue / wife of the petitioner is in illegal custody at the hands of somebody.

5.The filing of the petitions seeking divorce as well as restitution of conjugal rights etc., before the concerned Court which are pending, has



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been revealed by the learned Additional Public Prosecutor for the official respondents.

6.On perusal of these averments made and after coming to know about these developments, we feel that since it is a matrimonial dispute between the petitioner and the detinue due to long strained relationship between them, which ended in filing separate petitions, especially, the petition seeking divorce was filed by the petitioner against the wife and the case is pending, it is for the petitioner to workout his remedy by pursuing the said petition seeking divorce before the concerned Court. Therefore, at this juncture, this Habeas Corpus Petition filed before this Court as if that the wife of the petitioner is in illegal custody has no basis.

7.In view of the aforestated facts and taking note of the same, we feel that this Habeas Corpus Petition can be closed, accordingly, it is closed.

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

12.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR



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



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