



WEB COPY



HCP(MD)No.375 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**  
and  
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.375 of 2023

Prabhakaran

.. Petitioner

Vs.

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

2.The Inspector of Police,  
Karur Town Sub Division,  
Karur District, Karur

3.The Inspector of Police,  
Vangal Police Station,  
Karur District, Karur.

4.B.Satham Hussain

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the person or body of the petitioner's wife namely. Abinaya, wife of Prabhakaran, aged about 28 years, before this Court and set her at liberty.



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For Petitioner : Mr.J.Sulthan Basha  
For Respondents : Mr.RMS.Sethuraman for R1  
to R3  
Additional Public Prosecutor

### **ORDER**

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed for a direction to the respondents to produce the person or body of the petitioner's wife namely. Abinaya, wife of Prabhakaran, aged about 28 years, before this Court and set her at liberty.

2. The detainee namely Abinaya, aged 28 years, is the wife of the petitioner. Since the petitioner made a complaint to the respondent police that the detainee is missing from the matrimonial home for the past some time and no action has been taken by the respondent police, he has moved this petition. It is his allegation that the detainee has eloped with the 4<sup>th</sup> respondent.



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3. In these circumstances, when this petition was taken up for hearing, the detenu has been produced before this Court through the respondent police. When we enquired the detenu, she stated that eight years back, she married the petitioner and out of the wedlock, she gave birth to two children and now, they are at the age of 7 and 4 respectively. However, it is the complaint of the detenu that earlier, there has been continuous torture at the hands of the petitioner and therefore, she left the matrimonial home and resided along with her mother at Vellakoil. Subsequently she had been brought back to the matrimonial home by the petitioner. However, his torture was not stopped with that, since that was continued once again, she left the matrimonial home again and at present, she is working in a company in Tirupur town, where with the help of her female friend, she has taken a rental portion and residing there. The detenu also stated that she does not want to go with the petitioner nor she is interested to go with her mother.

4. Insofar as the marital relationship as well as the children, the detenu stated that she will work out her remedy under personal law before the concerned judicial forum. It is also submitted by the detenu that she



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had no relationship with the 4<sup>th</sup> respondent and she stoutly denies such an allegation made against her connecting with the 4<sup>th</sup> respondent. She would further submit that he is only a school friend nothing more nothing less, so far as the friendship with the detainee is concerned.

5. Recording the afore-stated, we feel that the Habeas Corpus Petition can be closed. Accordingly, this petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)  
24.04.2023

Index : Yes/No

Internet : Yes

**RR**

To

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

2.The Inspector of Police,  
Karur Town Sub Division,  
Karur District, Karur

3.The Inspector of Police,  
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Karur District, Karur.

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.**

**RR**

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