



H.C.P.(MD) No.444 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.444 of 2023

Karthik

... Petitioner / Husband of the Detenue

Vs.

1.The District Superintendent of Police,
O/o. District Superintendent of Police,
Tenkasi, Tenkasi District.

2.The Inspector of Police,
Karivalam Vanthanallur,
Sankarankovil Taluk, Tenkasi District.

3.Balakrishnan

4.Manikandan

...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, namely, Muthuselvi,



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W/o.Karthik, aged about 33 years, who is under the illegal custody of the 4th respondent before this Court and set her at liberty forthwith.

For Petitioner : Mr.J.John
For R1 & R2 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner, seeking production of his wife, namely, Muthuselvi, aged about 33 years, has filed this Habeas Corpus Petition.

2.The detenue, namely, Muthuselvi was the erstwhile wife of the petitioner and in order to bring the body of the detenue ie., wife of the petitioner, this Habeas Corpus Petition though has been filed, it has been revealed by the enquiry conducted by the respondent Police as stated by the learned Additional Public Prosecutor appearing for the respondents 1 and 2 that the detenue applied for divorce against the petitioner and the same was granted by the competent Court. As against which the petitioner has filed an appeal, which is also pending. Pursuant to the said divorce granted by the competent Court, the detenue has got re-marriage or second marriage



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with the third party and accordingly, the statement given in this regard by the father of the detainee is that in March, 2022 itself the marriage was solemnized between the detainee and the third party and thereafter, they settled in foreign country and they are leading their life comfortably.

3. When that being the factual position, the question of bringing the detainee before this Court as if alleged by the petitioner that her life is in danger at the hands of the 4th respondent does not arise and it cannot be treated as illegal custody. Therefore, filing of Habeas Corpus Petition like the present one is gross-misuse of the process of the Court. Therefore, we are inclined to dismiss the Habeas Corpus Petition, accordingly, it is dismissed. It is open to the petitioner to workout any other remedy that is available to him under law, which is in force.

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

31.03.2023

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

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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

- 1.The District Superintendent of Police,
O/o. District Superintendent of Police,
Tenkasi, Tenkasi District.
- 2.The Inspector of Police,
Karivalam Vanthanallur,
Sankarankovil Taluk, Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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