



HCP(MD)No.446 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.446 of 2023

S.Thavasree

.. Petitioner / wife of the
detenue

Vs.

1.The Superintendent of Police
Dindigul District, Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station
Dindigul.

3.K.Rajendran

4.R.Kalpana

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 2nd respondent herein to produce the body or person of the petitioner's husband/detenue namely Narayanan, S/o.Rajendran aged about 30 years old before this Court and set him at liberty.



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For Petitioner : Mr.G.Ganeshkumar
For Respondents : Mr.RMS.Sethuraman for R1
& R2
Additional Public Prosecutor
Mr.G.Vishnuram for R3&R4

ORDER

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

This Habeas Corpus petition has been filed directing the 2nd respondent herein to produce the body or person of the petitioner's husband/detenu namely Narayanan, S/o.Rajendran aged about 30 years old before this Court and set him at liberty.

2.It is the complaint of the petitioner that the detenu is her husband and he has been living in a foreign country from the year 2019 and that the detenu harassed the petitioner by demanding dowry and therefore, a case has been registered in Crime No.3/2022 on the file of the All Women Police Station, Dindigul under Section 498(A) IPC and on completion of investigation, charge sheet has been laid and it is to be taken up by the trial Court. When that being the position, the present Habeas Corpus Petition has been filed stating the detenu is in the illegal custody at the hands of



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respondents 3 and 4, who are none other than the parents of the detenu.

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3. Heard the learned Additional Public Prosecutor, who, on instructions, would submit that the respondent police had contacted the detenu, on 02.04.2023, who had come by way of Video call and has stated that he is residing in Singapore for more than three years and he is safely placed there.

4. When that being the position, it cannot be stated that the detenu is in the illegal custody at the hands of the respondents 3 and 4. Moreover, the petitioner has already preferred a complaint and the same has rightly been registered by the respondent police in Crime No.3/2023 and charge sheet has also been filed, which is pending before the concerned Court and hence, it is for the petitioner to pursue the said case and for getting personal law remedies, that can also be pursued by her by approaching the appropriate forum in the manner known to law.



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5. In that view of the matter, this Court feels that there is absolutely no illegal custody of the detenu. Accordingly, this petition is dismissed.

(R.S.K.,J.) (K.K.R.K.,J.)
03.04.2023

Index : Yes/No

Internet : Yes

RR

To

1.The Superintendent of Police
Dindigul District, Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station
Dindigul.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
K.K.RAMAKRISHNAN,J.

RR

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