



H.C.P.(MD) No.471 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 12.04.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**H.C.P.(MD)No.471 of 2023**

Muthaiah ... Petitioner / Husband of the Detenue

Vs.

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

2.The Deputy Superintendent of Police,  
Srivilliputhur, Virudhunagar District.

3.The Sub Inspector of Police,  
Nathampatty Police Station,  
Virudhunagar District.

4.Paraman ...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to  
issue a Writ of Habeas Corpus, directing the respondents 2 and 3 to secure



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and produce the person or body of the petitioner's wife, namely, Muniammal, W/o.Muthaiah, aged about 31 years before this Court and set her at liberty.

For Petitioner : Mr.A.Prasanna Rajadurai  
For R1 to R3 : Mr.RMS.Sethuraman,  
Additional Public Prosecutor

### **ORDER**

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

The petitioner, seeking production of his wife, namely, Muniammal, aged about 31 years, has filed this Habeas Corpus Petition.

2.The detenue, namely, Muniammal, is the wife of the petitioner and the 4<sup>th</sup> respondent is the father of the detenue. The detenue has been produced before this Court by the official respondents. When we enquired with her, she submitted that due to the intimacy she developed with one Thanga Kodi, the petitioner / husband got annoyed. Therefore, he was continuously scolding the detenue and in fact, she claimed that the petitioner as well as the father of the petitioner had beaten the detenue and therefore, she had no other option except leaving the matrimonial home with



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the said Thanga Kodi, as she developed relationship with him and she is residing at Palladam, Tiruppur District for sometime, from where the respondent Police had secured the detainee and brought before this Court.

3. When we questioned her whether she wants to join with her husband, the detainee said 'No' and insofar as the two children born out of the wedlock of the petitioner and the detainee are concerned, the detainee though wanted to take the children, the petitioner seems to have refused it.

4. It is also to be noted that on the basis of the complaint given by the father of the said Thanga Kodi, the petitioner appeared before the concerned Police and stated that he did not want to take back the detainee. Though there has been no written statement recorded by the concerned Police, on instructions from the concerned Police, the learned Additional Public Prosecutor for the official respondents has revealed the same before this Court that has also been taken note of.

5. In view of the aforesaid, since the detainee is not in illegal custody and on her own volition, she had gone from the matrimonial home



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and she does not want to join with the petitioner, recording the same, this Habeas Corpus Petition is closed. It is open to the petitioner to workout his personal remedy before the appropriate forum.

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

**12.04.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

*MYR*

To

- 1.The Superintendent of Police,  
Virudhunagar, Virudhunagar District.
- 2.The Deputy Superintendent of Police,  
Srivilliputhur, Virudhunagar District.
- 3.The Sub Inspector of Police,  
Nathampatty Police Station,  
Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**R.SURESH KUMAR, J.**

**AND**

**K.K.RAMAKRISHNAN, J.**

*MYR*

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