



HCP(MD)No.626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.626 of 2023

Karikalan

.. Petitioner / Husband of the
Detenue

Vs.

1.State represented by
The Commissioner of Police,
Trichy District,
Trichy.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents to produce the body or person of the petitioner's wife namely V.A.Kalaivani, W/o.Karikalan, aged 23 years before this Court and set her at liberty.



HCP(MD)No.626 of 2023

For Petitioner : Mr.A.Azhageson
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition is filed for issuance of a writ of Habeas Corpus to produce the body or person of the petitioner's wife, namely, V.A.Kalaivani, aged about 23 years, before this Court and set her at liberty.

2. The petitioner herein had married one Kalaivani, D/o.A.Venkatesa Perumal on 17.04.2023, which marriage was registered at Dindigul Registrar's office Joint No.1 in Reg.No.203/2023. Thereafter, they both lived together for a short time. Owing to some misunderstanding between themselves, the petitioner's wife had left the petitioner and had come to her parents' house at No.7, State Bank Colony, Melapandamangalam, Marudhandakuruchi Post, Thoppukulam, Trichy – 620 102.



HCP(MD)No.626 of 2023

3. In the meantime, the complaint given by the petitioner was registered in Crime No.880/2023 dated 18.05.2023 and in view of the statement given by the petitioner's wife before the Police Station, further action was dropped on the petitioner's complaint.

4. Since the petitioner's wife, who is a major, has taken a decision to be physically separated from her husband and live with her parents, the remedy available to the petitioner would be before the concerned Family Court, if at all he desires to invoke the same. As such, the prayer sought for in the present petition may not be maintainable, since the petitioner's wife is not in the illegal custody of her parents. Accordingly, the Habeas Corpus Petition stands dismissed.

(M.S.R.,J.) (M.N.K.,J.)
04.08.2023

NCC : Yes / No
Index : Yes / No
Lm



HCP(MD)No.626 of 2023

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



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HCP(MD)No.626 of 2023

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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