



HCP(MD)No.743 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

CORAM

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

H.C.P.(MD)No.743 of 2023

P.Gopi Raja

.. Petitioner

Vs.

- 1.The Superintendent of Police,
The Office of the Superintendent of Police,
Mayiladuthurai District.
- 2.The Deputy Superintendent of Police,
The Office of the Deputy Superintendent of Police,
Sirkzhi Taluk,
Mayiladuthurai District.
- 3.The Inspector of Police,
South Police Station,
Karaikudi Taluk,
Sivagangai District.
- 4.The Inspector of Police,
Karaikudi All Women Police Station,
Karaikudi Taluk,
Sivagangai District.



HCP(MD)No.743 of 2023

5.The Inspector of Police,
All Women Police Station,
Sirkazhi Taluk,
Mayiladuthurai District.

6.R.Jothi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents No.1 to 5 to produce the person or body of the detinue / petitioner's wife Benathil Fiya @ Priyadharshini, aged 29 years, before this Court and set her at liberty.

For Petitioner	:	Mr.R.Suresh Kumar
For Respondents	:	Mr.RMS.Sethuraman, Addl. Public Prosecutor

ORDER

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

The prayer in the present Habeas Corpus Petition is for a direction to the official respondents to produce the petitioner's wife Benathil Fiya @ Priyadharshini, aged 29 years, before this Court and set her at liberty.



HCP(MD)No.743 of 2023

2. In the affidavit filed in support of this petition, the petitioner claimed that he has married the said Benathil Fiya @ Priyadharshini on 25.08.2019 at Muthumariyamman Temple, Karaikudi. Since his wife had left the matrimonial house owing to certain misunderstanding on 07.03.2023 and he was not able to trace her whereabouts, the present Habeas Corpus Petition has been filed.

3. Incidentally, the petitioner had also given a complaint to the fifth respondent, which is pending in C.S.R.No.201 of 2023, dated 19.05.2023

4. On interim directions of this Court, the 5th respondent herein had produced the detinue viz., Benathil Fiya @ Priyadharshini before us. We had interacted with the alleged detinue, who had stated that she left the petitioner's house on her own accord without the compulsion of others and that she is now living with her mother. The estrangement was owing to certain matrimonial disputes. Admittedly, it is not the petitioner's case also that detinue is under an illegal custody of the sixth respondent or any other person.



HCP(MD)No.743 of 2023

5. As a matter of fact, the petitioner has also admitted that she left the house owing to certain small matrimonial disputes. While that being so, this Court, exercising its power under Article 226 of the Constitution of India, will not venture into resolving such matrimonial disputes. Since the petitioner, who is a major, has made a conscious decision and she is now living separately with her mother, we find no ground to consider the present prayer sought for by the petitioner.

6. Accordingly, this Habeas Corpus Petition is dismissed.

(M.S.R.,J.) (M.N.K.,J.)
07.07.2023

NCC : Yes / No
Index : Yes / No

vsm



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