



H.C.P.(MD) No.735 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.735 of 2023

Rajesh

... Petitioner / Husband of the detenue

Vs.

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi-628 101,
Thoothukudi District.

2.The Inspector of Police,
Taluk Police Station,
Tiruchendur-628 215,
Thoothukudi District.

3.Dhanalakshmi

4.Komu

5.Sankari

6.Balasubramanian

7.Ramalakshmi @ Rani

8.Krishnamurthy

9.Kalyani

10.Pitchaiah

... Respondents



H.C.P.(MD) No.735 of 2023

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 person or body of the detinue, namely, Bhuvaneshwari, W/o.Rajesh / the petitioner herein, aged about 23 years, before this Court and set her at liberty.

For Petitioner : Ms.Devi Sudha
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R3 : Mr.M.Silambarasan

ORDER

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

The petitioner, seeking production of his wife, namely, Bhuvaneshwari, aged about 23 years, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the respondent Police has produced the detinue before this Court. The petitioner is the husband of the detinue, who is the legally wedded wife. The detinue has made a statement before us that no doubt, there was a marriage solemnized between the petitioner and the detinue in the year 2017. Thereafter, due to some strained relationship between them, she left the matrimonial home and



H.C.P.(MD) No.735 of 2023

a marriage had been arranged with the 6th respondent and the detenue claimed that she married the 6th respondent in the year 2022. Out of which, presently, the detenue is pregnant with five months pregnancy.

3.It is also stated by the detenue that she did not get any divorce from the petitioner and the 6th respondent has also appeared before this Court, who also knew that the detenue married the petitioner in the year 2017 and without their marriage is dissolved by way of divorce before the Court of law, he married the detenue in the year 2022.

4.These are all the admitted factors. In view of the same, it is open to the petitioner to workout his remedy under personal law. Therefore, recording the aforesaid, we feel that this Habeas Corpus Petition can be closed, accordingly, it is closed.

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

27.06.2023

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



H.C.P.(MD) No.735 of 2023

R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi-628 101,
Thoothukudi District.

2.The Inspector of Police,
Taluk Police Station,
Tiruchendur-628 215,
Thoothukudi District.

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

H.C.P.(MD)No.735 of 2023

27.06.2023