



HCP(MD)No.1010 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2023

CORAM

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

H.C.P.(MD)No.1010 of 2023

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... Petitioner / Mother-in-Law of the detenu

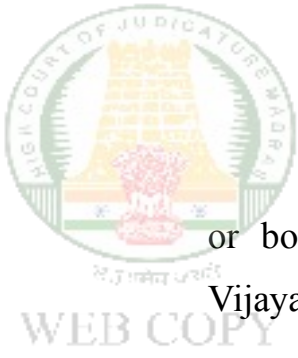
Vs.

1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Karur District.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, to direct respondents to produce the person



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or body of the petitioner's daughter-in-law, namely, Mathana, Wife of Vijayakumar, aged about 32 years, before this Court and set her at liberty.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner is the mother-in-law of one Mathana, aged about 32 years, who is married to her son, namely, Vijayakumar about 14 years back. According to the petitioner, her daughter-in-law had left the house on 26.07.2023 and thereafter, had not returned to the house. Though she claims that she had given a complaint in person on 26.07.2023 to the 2nd respondent Police, no acknowledgment has been produced before us. On the other hand, it seems that she had given complaint only on 04.08.2023 that too by way of registered post, which had been received by the 2nd respondent on 05.08.2023. It is in this background, the present Habeas Corpus Petition has been filed.



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2.Today, when the matter was called, the learned Additional Public Prosecutor for the respondents, on instructions, submitted that the petitioner's daughter-in-law in the meantime had given a complaint before the Superintendent of Police, Nagercoil on 29.07.2023, wherein, she had categorically stated that if she returns back to the petitioner or her husband or family members, her life is in danger. It is also her submission that there is a matrimonial dispute between her and the petitioner's son and a petition for divorce has also been filed in H.M.O.P.No.160 of 2023 on the file of the Family Court, Karur and the same is pending. It is claimed by the learned Additional Public Prosecutor that pursuant to the complaint of the petitioner's daughter-in-law, the petitioner was also apprised of the complaint and advised that her daughter-in-law is at Nagercoil.

3.When the petitioner's daughter-in-law had already given a complaint on 29.07.2023 and the same has been apprised to the petitioner, she had conveniently omitted to refer the same in the affidavit filed in



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support of this petition. Furthermore, no statements have been made with regard to the difference of opinion or the matrimonial dispute between the petitioner's son and her daughter-in-law. Hence, we are of the view that the present Habeas Corpus Petition itself seems misconceived and has been filed with an ulterior motive.

4.Even otherwise, it is not the case of the petitioner that her daughter-in-law is in illegal custody. As such, invoking Article 226 of Constitution of India for issuance of Writ of Habeas Corpus is an abuse of process of law. Hence, we are of the view that the petitioner is liable to pay cost.

5.In the light of the above findings, this Habeas Corpus Petition is dismissed with a direction to the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to Patraick Isaac Charities, Account No.00210530000, IFSC Code-SIBL0000021, South Indian Bank, Dindigul within a period of one week from today.



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6.Post the matter on **18.08.2023** for recording compliance.

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

11.08.2023

NCC : Yes / No

Index : Yes / No

Yuva

Note: Issue Order copy on 17.08.2023.

To

- 1.The Superintendent of Police,
Karur District.
- 2.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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