



HCP(MD)No.1172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.09.2023

CORAM

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

H.C.P.(MD)No.1172 of 2023

M.Muppidathi

.. Petitioner / Husband of
Detenue

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
North Police Station,
Thoothukudi District.

3.Murugan

4.Thangam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's wife namely Sakthirama (aged about 22 years), daughter of R.Subramaniyan and the petitioner's daughter namely Srisumanya (aged about 8 months baby), daughter of Muppidathi before this Court and set them at liberty.



HCP(MD)No.1172 of 2023

For Petitioner : Mr.Suresh Samson
For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R-3 : Mr.P.Krishnasamy

ORDER

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

The petitioner is the husband of one Sakthirama, aged about 22 years, to whom a girl child, aged about 8 months, was also born. The petitioner is working as a street vendor at Mumbai. According to the petitioner, his wife and child had gone missing from 07.07.2023 and therefore, his mother-in-law had given a complaint on 08.07.2023, which was registered in Crime No.213/2023 dated 08.07.2023. Since there was no further progress in the investigation, the petitioner had filed the present Habeas Corpus Petition.

2. Today, when the matter was called, the learned Additional Public Prosecutor appearing for the respondent Police submitted that pursuant to the registration of the said complaint, an enquiry was conducted in which the petitioner's wife and her parents had appeared before the respondent Police. As per the statement given by the petitioner's wife, she does not



HCP(MD)No.1172 of 2023

intend to live with the petitioner owing to certain matrimonial disputes and that, she is now employed in a cardboard manufacturing factory at Mela Arasadi and that she is residing in a rental house along with her child. Based on the said statement, the second respondent had also closed the complaint as 'further action dropped'.

3. In this background, we are of the view that no further orders are required to be passed in the present Habeas Corpus Petition, since the petitioner's wife, being a major, has taken a conscious decision of her own to live separately owing to certain matrimonial disputes. Accordingly, the Habeas Corpus Petition stands closed. If at all the petitioner is aggrieved, the remedy available to the petitioner would be to invoke the appropriate jurisdiction of the matrimonial courts to redress his grievance, including seeking for custody of his child.

(M.S.R.,J.) (M.N.K.,J.)
19.09.2023

NCC : Yes / No
Index : Yes / No
Lm



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Thoothukudi District.
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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
M.NIRMAL KUMAR,J.

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