



H.C.P(MD)No.1300 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.10.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

H.C.P(MD)No.1300 of 2023

Mari

.. Petitioner

VS

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Mukkoodal Police Station,
Tirunelveli District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to secure the detenu and produce the body or person of the petitioner's husband namely Suresh, S/o.Kulanthaivelu aged about 38 years before this Court and set her at liberty forthwith on the basis of the petitioner's representation dated 18.10.2023.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by M.SUNDAR, J.]

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, clarity and convenience].

2.Short fact is that HCP petitioner is concerned for her 38 years old husband.

3.When the matter was taken up today, the petitioner, Mr.M.Sankar, learned counsel on record for petitioner and petitioner's 38 years old husband Thiru.Suresh are present in Court.

4.Respondents 1 and 2 are represented by Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor.

5.This Court is informed that there is a 13 years old son from the wedlock between HCP petitioner and her husband and this 13 years old son is with the petitioner.



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6.This Court is informed that there is marital discord between HCP petitioner and her spouse and we deem it appropriate not to delve further into the matter.

7.Suffice to say that it is for HCP petitioner to approach the Family Court and/or any other appropriate Court/Courts/Forum/Fora/Authority/Authorities with a suitable petition.

8.We make it clear that all the rights and contentions of the petitioner, her spouse Thiru.Suresh and/or any other person concerned with the matter are preserved for any collateral/connected proceedings in Family Court and/or any other Court/Courts/Forum/Fora/Authority/Authorities which shall deal with the matter on its own merits and in accordance with law untrammelled by the closure of the captioned HCP.



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9.As it is not a case of illegal detention, we dispose of the captioned HCP as closed with the aforementioned observation and preservation of rights in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
30.10.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



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



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and
R.SAKTHIVEL, J.,

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