



H.C.P(MD)No.1503 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.12.2023

Coram

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

H.C.P(MD)No.1503 of 2023

J.Selvapandi

.. Petitioner

VS

**1.The Commissioner of Police,
Madurai City,
Madurai.**

**2.The Inspector of Police,
Koodal Nagar Police Station,
Madurai City.**

3.Kuppan

4.Malar @ Malarkodi

.. 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 & 2 to secure the person or body of the petitioner's wife named Sathya Priya, 23 years old woman from the respondents 3 & 4 and produce her before this Court and set her at liberty.



H.C.P(MD)No.1503 of 2023

For Petitioner : Mr.R.Murugappan

WEB COPY For Respondent Nos.1 & 2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Respondent Nos.3 & 4 : Mr.M.Prabhakaran
for Mr.T.Antony Arul Raj

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] has been presented in this Court on 28.11.2023.

2.Factual matrix in a nutshell is that HCP petitioner married one 'Sathya Priya' (hereinafter '*absentee*' for the sake of convenience and clarity]; that marriage was solemnized on 30.04.2023; that absentee is clearly a major, her date of birth being 10.10.2000; that after marriage on 30.04.2023, there was a wedding reception on 05.06.2023; that alleging respondents 3 and 4 (private respondents) are detaining absentee in illegal custody / unlawful detention captioned HCP has been filed after giving a complaint dated 28.10.2023.



H.C.P(MD)No.1503 of 2023

3.Mr.R.Murugappan, learned counsel on record for HCP

petitioner reiterated the aforementioned facts.

4.Issue notice to official respondents.

5.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepts notice for official respondents (respondents 1 and 2) and learned Prosecutor is instructed by second respondent (Mr.G.Pulikutti Ayyanar, Sub-Inspector of Police, D3-Koodalpudur Police Station, Madurai).

6.Learned Prosecutor, on instructions, submits that absentee is present in Court and absentee was produced before us.

7.This Court had an interaction with absentee and the following points emerged:

(i) It is true that marriage between absentee and HCP petitioner was solemnized on 30.04.2023;



WEB COPY

(ii) Absentee says that relationship has turned

severed, there is marital discord;

(iii) Absentee says that owing to marital discord she left HCP petitioner on her own volition and she is now staying with Thiru.V.Arul Pandian, No.8, Ganapathi Nagar, Maraimalai Nagar, Sathamangalam, Chengalpattu District – 603 209;

(iv) Absentee says that Thiru.V.Arul Pandian is her father's sister's son, he is 38 years old, he is married and he has a child;

(v) Absentee says that she has initiated divorce proceedings on the file of Family Court, Madurai vide I.A.No.1 of 2023 and the next date of listing is 17.02.2024; and

(vi) Absentee says that she wants to pursue divorce proceedings and she wants to continue to stay with Arul Pandian's family ie., Arul Pandian, his wife and child in the aforementioned address.



H.C.P(MD)No.1503 of 2023

8.To be noted, fourth respondent was present in Court along with one Thiru.G.Sakthivel and going by Aadhar Cards, addresses of fourth respondent and Thiru.G.Sakthivel are as follows:

*'Malarkodi,
W/o.Kuppan,
TNHB Colony,
Anaiyur, Madurai North,
Thathaneri, Madurai,
Tamil Nadu – 625 018.*

*G.Sakthivel,
S/K.Ganesan,
S 206, TNHB Colony,
Tamil Nagar,
Anaiyur,
Madurai,
Tamil Nadu – 625 017.'*

9.Fourth respondent and Thiru.G.Sakthivel confirmed that absentee is now in Maraimalai Nagar in aforementioned address.



H.C.P(MD)No.1503 of 2023

10.In the light of narrative thus far, it is clear that it is not a case of illegal custody or unlawful detention but it is a case of martial discord.

11.In the aforementioned scenario, learned counsel for HCP petitioner submits that he is yet to be served Family Court proceedings. Today, a copy of Interlocutory Application has been served on the counsel for HCP petitioner by Mr.M.Prabhakaran, learned counsel representing counsel on record, who is before this Court and he is representing absentee. This is recorded.

12.Parties now say that they will now work out their remedies in the Family Court.

13.In the light of the narrative thus far, we dispose of the captioned HCP as closed albeit making it clear that all the rights and contentions of HCP petitioner, private respondents 3 and 4, absentee and or anyone concerned with the matter are preserved for working out their rights and remedies in the Family Court and or any other



H.C.P(MD)No.1503 of 2023

Court/Courts/Forum/Fora/Authority/Authorities. Though obvious,

we also make it clear that such

Court/Courts/Forum/Fora/Authority/Authorities shall hear the matters before them on its own merits and in accordance with law *de hors* closure of captioned HCP.

14.Captioned HCP is disposed of as closed albeit with aforementioned observations and preservation of rights in the aforesaid manner. There shall be no order as to as costs.

(M.S.,J.) (R.S.V.,J.)
01.12.2023

Index : Yes
Neutral Citation : Yes
ps



H.C.P(MD)No.1503 of 2023

WEB COPY

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Koodal Nagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.1503 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

ps

H.C.P(MD)No.1503 of 2023

01.12.2023