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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) No.28 of 2024

R.Vijayakumar ... Petitioner/husband of the detenue

-vs-

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District
in Crime No.20 of 2023.

3.Azhar ... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body or person of the detenue namely Jeevitha, wife of Vijayakumar, aged about 21 years before this Court and set her at liberty.



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For Petitioner : Mr.R.Anandharaj

For Respondents : Mr.RMS.Sethuraman
1 and 2 Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN.,J
AND
C.KUMARAPPAN.,J

This Habeas Corpus Petition has been filed by the husband of the detainee seeking for a direction to the respondents 1 and 2 to produce the body or person of the detainee namely Jeevitha, wife of Vijayakumar, aged about 21 years before this Court and set her at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner herein got married one Jeevitha on 12.02.2023. On 19.03.2023, the mother of Jeevitha, gave a complaint to Kandavarayanpatti Police, Sivagangai District informing that her daughter Jeevitha gone missing since 17.03.2023 night. She, the detainee had informed the members of the house that she wants to attend the nature call and left the house. Thereafter, she did not return



back to the house. The respondents 1 and 2 Police registered a complaint in Crime No.20 of 2023 and taken up the matter for investigation under the caption “women missing” The Petitioner, being the husband of the lady gone missing, has also given a request letter to the Police to trace his wife and thereafter, has filed the present Habeas Corpus Petition before this Court seeking for a direction to the respondents 1 and 2 to produce the body or person of the detinue.

4.The respondents 1 and 2/Police, who has taken up the investigation in Crime No.20 of 2023, had found that the marriage of Jeevitha with the Petitioner was against her wish and therefore, she has left the matrimonial home on her volition on 17.03.2023. With the help of her friends, she has joined with one Azaruddin, her school time lover, who came down from Dubai.The said Jeevitha and Azaruddin appeared before the Singampuneri Police station, Sivagangai on 4.5.2023. This was informed to the Kandavarayanpatti Police Station. The complainant/Alageswari was informed about her daughter Jeevitha’s desire that she is not interested in joining with her husband Vijayakumar and wants to live with the said Azaruddin.The Police, thereafter recording the statements, had closed the complaint as “action dropped” and the same has been informed to Alageswari/mother of the



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detenue through registered post. However, the husband has filed the present Habeas Corpus Petition, though has knowledge about the subsequent development in the matter.

5.The learned Additional Public Prosecutor, appearing for the respondents 1 and 2 Police states that the said Jeevitha has forwarded the photographs/clippings reiterating her intention not to join with her husband Vijayakumar and wants to be with Azaruddin.

6.Since the said Jeevitha is a major and now the investigation indicates that she is alive and she wants to live with the person who she likes. The Petitioner, being the legally wedded husband, is at liberty to work out his remedy before the appropriate forum, in the manner known to law, if so advised.

7.For the aforesaid reasons, the Habeas Corpus Petition is not maintainable and accordingly, the same stands dismissed.

[G.J.,J.]

[C.K.,J.]

20.02.2024

NCS : Yes/No

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Index : Yes / No

Internet : Yes / No

vsn

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

DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.

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