



H.C.P.(MD).No.144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD).No.144 of 2024

Elangovan

.. Petitioner/Husband of the Detenue

Vs.

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

2.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

3.Pravin

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the detenue namely Rishia, W/o.Elangovan, aged about 19 years, before this Court and set her at liberty.



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For Petitioner : Mr.D.Rameshkumar
For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R-3 : Mr.V.Kathiravan

ORDER

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

The petitioner is the husband of one Rishia, aged about 19 years. Seven months after the marriage, she has eloped with the third respondent. At that time, the petitioner was employed in Singapore and therefore, his brother, Suresh gave a complaint to the second respondent on 29.11.2023 regarding missing of the petitioner's wife, Rishia. Based on the said complaint, a case in Crime No.714 of 2023 was registered under the caption 'woman missing' and taken up for investigation. Meanwhile, the Habeas Corpus Petition is filed by the husband to bring the body or person of his wife, Rishia.

2. In the affidavit filed in support of this petition, it is alleged that the petitioner's wife had eloped with one Pravin of Thiruvavarur, who is the third respondent herein.



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3. Pending Habeas Corpus Petition, the second respondent Police has secured the petitioner's wife, who is with the third respondent. They both were produced before this Court today. The third respondent has enticed a married woman and he admits that he is in relationship with the petitioner's wife. Hence, appropriate action may be taken against the third respondent by the Police and the aggrieved person. However, being satisfied that the petitioner's wife has left the home on her own and she being a major, there is no scope for entertaining this Habeas Corpus Petition. The petitioner has to work out his remedy in the manner known to law.

4. With the above observations, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (C.K.,J.)
23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Thanjavur.

2.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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