



H.C.P.(MD).No.340 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2024

CORAM

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

H.C.P.(MD).No.340 of 2024

Rathina Selvi

... Petitioner/Detenuer's Mother-in-law

Vs.

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

2.The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.

3.Thiyagarajan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the person or body of the petitioner's daughter in law Mahalakshmi, W/o.Krishnan, 29 years and produce her before this Court and set her at liberty.



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For Petitioner : Mr.R.Murugappan
For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition is filed by the mother-in-law alleging that her daughter-in-law, namely, Mahalakshmi, has left the matrimonial home on 11.01.2024 and due to that, her son has become an alcohol addict. It is also alleged that the petitioner's daughter-in-law had eloped with the third respondent, who is a married man. It is further alleged that her daughter-in-law is under the illegal custody of the third respondent and therefore, a complaint was lodged to the respondent Police. However, the respondent Police has not traced the petitioner's daughter-in-law.

2. The learned Additional Public Prosecutor appearing for the respondent Police submits that the petitioner's daughter-in-law is secured by the respondent Police and she is present before this Court today.



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3. From the records produced by the learned Additional Public Prosecutor and the facts disclosed by the daughter-in-law of the petitioner, this Court finds that due to family dispute, the petitioner's daughter-in-law has got separated from her husband and has also initiated a divorce proceedings before the Family Court, Madurai in H.M.O.P.No.191 of 2024 on 05.02.2024. On 11.01.2024, the second respondent Police, who had registered the petitioner's complaint, had enquired both the parties and closed the complaint after ascertaining that the petitioner's daughter-in-law had decided to part away with her husband and to work out her remedy before the appropriate Court.

4. In spite of knowing the above facts, the petitioner has filed this Habeas Corpus Petition alleging that her daughter-in-law is under the illegal custody of the third respondent. The petitioner has made very abusive and defamatory allegations against the third respondent, which has to be condemned.



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5. From the learned counsel for the petitioner, this Court understands that the petitioner is the wife of a retired Central Government servant. She has filed this Habeas Corpus Petition knowing well that her daughter-in-law had left the matrimonial home on her own due to the conduct of her son. In spite of that, the present Habeas Corpus Petition is filed, which in the eye of this Court is a clear abuse of process of law. Hence, the Habeas Corpus Petition is dismissed with cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable by the petitioner to one Mahalakshmi, who is the daughter-in-law of the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.

(G.J.,J.) (C.K.,J.)
18.03.2024

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



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To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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