



H.C.P.(MD).No.366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2024

CORAM

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

H.C.P.(MD).No.366 of 2024

P.Chellapandi

.. Petitioner/Husband of Detenue

Vs.

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

2.The Inspector of Police,
Rajapalayam North Police Station,
Rajapayalam.

3.Rajendran

4.Mareeshwari

5.Jeyaram

6.Kabil

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the Respondents to produce the person or body of the petitioner's wife namely, Muthumari, W/o Chellapandi, Female, aged about 23 years before this Court and set her liberty forthwith.

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For Petitioner : Mr.S.Lingarasu
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1 & R2

ORDER

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

The petitioner has given a complaint on 03.08.2023 to the respondent police alleging that his wife gone missing on 02.08.2023 and her whereabouts is not known. Pursuant to the said complaint, the respondent police has registered First Information Report in Crime No.261 of 2023 under 'woman missing'. He further stated that his wife was kidnapped by the respondents 3 to 6, taking advantage of the family dispute between him and his wife, and that the respondent police has failed to take steps to secure his wife, which resulted in filing of the present Habeas Corpus Petition. He further alleged that the life of his wife is under threat and strongly suspecting that whether his wife is alive or not.



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2. The respondent police on receipt of the information about the filing of the Habeas Corpus Petition is present before this Court.

3. The learned Additional Public Prosecutor submitted that the complaint given by the petitioner about missing of his wife was taken up by the respondent police for investigation and they had traced the lady Muthumari, wife of the petitioner. On enquiry, she had stated that she married the petitioner about eight years ago and blessed with two children. After marriage, she has undergone Diploma in Nursing and employed in Doctor Anilkumar Eye Hospital, Sivakasi. Since her husband dislike her going to job and being independent, started quarrelling with her and made her life become miserable. Therefore, she decided to get separated from him and left the house and she is not inclined to join with him. Based on her statement recorded, on 14.08.2023, the petitioner was called for to the police station and being informed about the presence of his wife and her disinclination to join with him and thereafter, his complaint was closed and the copies were also given to him under acknowledgement.



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4. While that being so, the petitioner suppressing the truth has filed the Habeas Corpus Petition, as if, his wife life is in danger.

5. This Court is of the view that the petitioner had abused this extraordinary jurisdiction by making false allegations and creating an impression, as if, his wife has been kidnapped by the respondents 3 to 6 and her life is in danger despite knowing the fact that his wife has left the family on her own due to the misunderstanding. Hence, this Habeas Corpus Petition is dismissed with cost of Rs.10,000/- (Rupees Ten Thousand only) payable to the Legal Services Authority attached to this Bench.

(G.J.,J.) (C.K.,J.)
19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
skn



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Virudhunagar.
2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapayalam.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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