



H.C.P.(MD) No.520 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.520 of 2024

K.Mangala Pandiyan

... Petitioner

-VS-

1.Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.

3.Ulaganathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the body or person of the petitioner's wife namely Ulagammal, daughter of Ulaganathan and minor daughter/detenu namely Santinika, daughter of Mangala Pandiyan (aged 3 years) before this Court and set them at liberty.



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For Petitioner :Mr.M.Pandian
For R1 & R2 :Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the husband of the first detenu seeking to produce the alleged detenu namely Ulagammal, daughter of Ulaganathan and minor daughter namely Santinika before this Court and set them at liberty.

2. The case of the petitioner is that the marriage between the petitioner and the detenu Ulagammal was solemnized in the year 2019. Out of the wedlock, one girl baby namely Santinika was born. Due to wrong motive of the third respondent, who is the father of the detenu, dispute arose between them. Hence, she left the matrimonial home along with his daughter. On 01.04.2024 when he went to look after them, he could not find his wife and his daughter. Therefore, the petitioner has given a complaint before the second respondent on



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01.04.2024 and based on that CSR No.122/2024 was issued. Since the respondent police has not taken any action, he has filed the present Habeas Corpus Petition.

3. Pursuant to the notice on 25.04.2024, the second respondent had informed the third respondent, who is the father of the alleged detenu. Pursuant to which, today, the alleged detenu is present before this Court along with minor child.

4. We directed the learned Additional Public Prosecutor to intimate the counsel for the petitioner and also directed the Registry to give notice to the counsel for the petitioner. Despite the same, neither the petitioner nor his counsel present before this Court.

5. We enquired the alleged detenu. She submitted that she got married during 2019 and out of the wedlock, she also delivered a child. Thereafter, the petitioner had continued to harass the detenu under the influence of alcohol. Since the petitioner had not take care of her and her child, she voluntarily left the matrimonial home and she is living with her sister at Chennai



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at present and she is working as a Domestic Aid. She is not illegally detained by anybody.

6. We find that an attempt was made to circumvent the due process of Court and instead of filing a case for restitution of conjugal rights, the petitioner has filed the present petition knowing the fact that the detenu is not illegally detained by anybody and she is living with her sister.

7. Accordingly, this Habeas Corpus Petition is dismissed with cost of Rs.5,000/- to be paid to the Legal Services Authority, Madurai Bench of Madras High Court, Madurai within a period of four weeks from today.

8. Post the matter on 10.06.2024 for reporting compliance.

[A.D.J.C., J.] [K.R.S., J.]
30.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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



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AND
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