



H.C.P.(MD) No.509 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

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

H.C.P.(MD) No.509 of 2024

Akshaya

... Petitioner

-vs-

1.The Commissioner of Police
Madurai City, Madurai

2.The Inspector of Police
Thiruppalai Police Station
Madurai District

3.Vijayalakshmi

... 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 produce the body or person of the petitioner's husband, namely, Dhilip, son of Ilanjeran (detenue) aged about 33 years, before this Court and set him at liberty.

For Petitioner : Mr.G.Krishnan

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

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ORDER

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

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 and 2 to secure her husband, namely, Dhilip, son of Ilanjeran, aged about 33 years, produce him before this Court and set him at liberty.

2. It is the case of the petitioner that she got married to the alleged detenu on 17.05.2019 at G.R.K. Marriage Mahal, Alanganallur. Thereafter, in the month of August, 2019, she had come to her parental home along with her husband to celebrate Aadi festival and her husband left her at the parental home on the promise that he would take her back after Aadi festival is over. However, subsequently, her husband did not come to take her back to the matrimonial home. When she had gone to the matrimonial home and enquired, her in-laws did not disclose the whereabouts of her husband. Though she had taken efforts to contact the Company at Hyderabad, where her husband was working, it was ended in vain. However, the relatives of her husband informed her that her husband is in regular touch with his parents. In such circumstances, she preferred a complaint to the respondent – Police



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on 15.01.2024 and it has been registered in C.S.R.No.34 of 2024. However, subsequently, no action has been taken by the respondent to trace her husband. Hence, she has filed this habeas corpus petition.

3. Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice to the respondents, on instructions, would submit that it is a matter arising out of a matrimonial dispute. The petitioner got married to the alleged detenu on 17.05.2019. Thereafter, due to matrimonial dispute, they got separated. The petitioner had earlier given a complaint in the month of July, 2022, before the All Women Police Station, Samayanallur, against her husband and mother-in-law alleging that she was subjected to harassment. Based on her complaint, an enquiry was conducted. The petitioner had received Rs.3,00,000/- (Rupees three lakhs only) from the family members of her husband and thereafter, her complaint was closed. The petitioner had kept quiet all along and now in the year 2024, has given a complaint alleging that her husband is found missing and his whereabouts are not known. The preliminary enquiry reveals that the petitioner's husband is not in illegal detention of anybody and this habeas corpus petition has been filed only to circumvent the process of the Court.



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4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. On perusal of the materials available on record, we find that the petitioner got married to the alleged detenu on 17.05.2019. Earlier, on 06.07.2022, the petitioner had given a complaint before the All Women Police Station, Samayanallur, alleging that she was subjected to harassment by her husband and mother-in-law. However, subsequently, the petitioner had received a sum of Rs.3,00,000/- from the family members of her husband and her complaint was closed thereafter. However, the said factum has been willfully suppressed by the petitioner in her affidavit filed in support of this habeas corpus petition. Further, according to the petitioner, during August 2019, her husband had left her at the parental home on the assurance that he would take her back to the matrimonial home after the Aadi festival is over, however, he did not come to take her back to the matrimonial home. The petitioner had not preferred any complaint before the jurisdictional Police at that point of time. Now, after five years have lapsed, she has preferred complaint alleging that her husband is found missing and his whereabouts are not known. Taking into consideration the above sequence, we are not inclined to entertain this habeas corpus petition and inclined to impose costs



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on the petitioner for circumventing the process of Court by filing such a frivolous habeas corpus petition.

6. Accordingly, this habeas corpus petition is dismissed with costs of Rs.5,000/- (Rupees five thousand only) payable by the petitioner to the credit of the Legal Services Authority, attached to the Madurai Bench of Madras High Court, on or before 29.04.2024 and file a photocopy of the receipt along with a memo in the Registry.

7. Post the matter on 30.04.2024 for reporting compliance.

[A.D.J.C., J.]

[K.R.S., J.]

24.04.2024

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

Note to Office:

- (i) Mark a copy of this order to the Legal Services Authority, Madurai Bench of Madras High Court, Madurai.
- (ii) Issue order copy today.

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To:

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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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AND
K.RAJASEKAR, J.

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