



H.C.P.(MD) No.582 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

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

H.C.P.(MD) No.582 of 2024

Surya Gandhi

... Petitioner

-VS-

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

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

3.Pal Pandi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the person or body of the detenu namely Tamil Vasuki, W/o.Surya Gandhi, aged 21 years before this Court and set her at liberty.

For Petitioner

:Mr.P.Praveenkumar

For R1 & R2

:Mr.RMS.Sethuraman
Additional Public Prosecutor



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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 detenu seeking to produce the person or body of the petitioner's wife, namely Tamil Vasuki, aged about 21 years, before this court.

2. The case of the petitioner is that he married the detenu namely, Tamil Vasuki and that his wife was found missing from 05.05.2024. Based on the complaint given by the petitioner, a case in Cr.No.186/2024 has been registered under 'Woman Missing', however, no action has been taken, the present habeas corpus petition has been filed.

3. Today when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the petitioner a case in Crime No. 186 of 2024 has been registered. During the course of investigation the alleged missing person appeared in person and had given statement. As per her statement she and the petitioner belongs to two different communities and it was a love marriage



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and that after some time the petitioner had committed cruelty on her and had committed cruelty on her and had physically and mentally harassed her by calling her caste name, thereby unable to bear the humiliation and torture she had left the matrimonial home on her own volition and that she is living with her maternal grand mother. He would further submit that the enquiry also reveals that the petitioner is aware of the same and he has filed the present Habeus Corpus Petition by suppressing the facts.

4. He further submitted that the detenu appeared before the second respondent police on 24.05.2024 and has given a statement that she and the petitioner belongs to different community and that the petitioner had been harassing her physically and also abused her by calling her caste name and thereby, unable to bear the cruelty and torture, she left the matrimonial home and now living with her maternal grand-mother. He would further submit that the petitioner has filed the present petition by suppressing all the facts.

5. We find that the alleged detenu is not under illegally detention of anyone and that due to matrimonial cruelty and domestic violence, she had left



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the matrimonial home. Therefore, this habeas corpus petition is closed with a direction to the respondent police to investigate the petitioner based on the statement given by the detenu.

[A.D.J.C., J.] [K.R.S., J.]
06.06.2024

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

To:

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



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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

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