



H.C.P.(MD) No.783 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM:

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

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G.Balakrishnan

... Petitioner

-VS-

- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Puliyankudi,
Tenkasi.
- 3.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur,
Tenkasi.
- 4.P.Kalirathinam

... Respondents



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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 wife namely B.Krishnaveni, W/o.G.Balakrishnan, aged about 33 years from the illegal detention of the fourth respondent before this Court and to set her at liberty.

For Petitioner	:Mr.A.Haja Mohideen
For R1 to R3	:Mr.R.Meenakshi Sundaram 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 detenu seeking to produce the alleged detenu namely B.Krishnaveni, W/o.G.Balakrishnan, aged about 33 years before this Court and to set her at liberty.

2. The case of the petitioner is that he got married to the alleged detenu Krishnaveni on 02.11.2011 and they got girl child, who born on



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10.08.2012. The further allegation is that on 30.04.2024 the fourth respondent had illegally abducted his wife and took her to Tirupathi and Chennai. In respect of which, the petitioner has given a complaint on 02.05.2024. Based on which, a case in Cr.No.232/2024 has been registered. Subsequently, the detenu was recovered from the illegal custody of the fourth respondent in Chennai on 04.05.2024 and she was brought back to Kadayanallur and she agreed to live with her husband and therefore, she was went along with the petitioner on 05.05.2024. Subsequently, the fourth respondent again stepped into the petitioner's house with even intention and trouble the detenu by black magic and giving drugs and again abducted her on 20.06.2024. The petitioner had given a written complaint on 21.06.2024. While so, on 26.06.2024 the petitioner received a letter from his wife posted at Thatchanallur, Tirunelveli as if due to the domestice violence committed by the petitioner, she has left her house apprehending danger to the life of the detenu. Apprehending danger to the life of the detenu, this habeas corpus petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner's wife is missing from 20.06.2024 and despite the complaint given, no action has been taken and thereby the present habeas corpus petition is filed.



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4. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that the alleged detenu is the wife of the petitioner aged about 33 years. Earlier based on the complaint given by the petitioner that his wife was abducted by the fourth respondent, a case in Cr.No. 232/2024 came to be registered by the respondent police and during the enquiry, she was brought back from Chennai and the detenu had agreed to live with her husband and on that, the detenu was sent along with the petitioner. Subsequently, the detenu had once again gone out of the matrimonial home on 20.06.2024. He further submitted that the detenu said to have sent a letter to the petitioner by a registered post on 25.06.2024 stating that she has gone out of the house on her own volition on account of the domestic violence committed by her husband. The preliminary enquiry reveals that the detenu has gone away from the house on her own volition with the fourth respondent, who is also a close relative to both the petitioner and the detenu. He would further submit that steps are being taken by the respondents to find out the whereabouts of the detenu and as and when they are traced or secured the detenu it will be intimated to the petitioner.



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5. In view of the above, we find that the detenu is not an illegal detention of anybody. Therefore, this Habeas Corpus Petition is closed with a direction to the respondents 1 to 3 to continue with the investigation and as and when the detenu is traced or secured, it has to be informed to the petitioner.

[A.D.J.C., J.] [K.R.S., J.]
03.07.2024

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

To:

- 1.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Puliyankudi, Tenkasi.
- 3.The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur, Tenkasi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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