



H.C.P.(MD) No.858 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

CORAM:

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

H.C.P.(MD) No.858 of 2024

M.Sridhar

... Petitioner

-VS-

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Theni Police Station,
Theni District.

3.Kannan

4.Saradha

5.Prasanna

... 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 detenu Abitha, W/o.M.Sridhar, aged about 25 years, wife of the petitioner before this Court and set her at liberty.



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For Petitioner :Mr.S.Srikanth
For R1 & R2 :Mr.A.Thiruvadi Kumar
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 Abitha, W/o.M.Sridhar, aged about 25 years before this Court and set her at liberty.

2. The case of the petitioner is that he got married to Abitha/missing person on 01.03.2023. After the marriage, they were residing at Chinnamanur separately. Thereafter, the parents of the missing person accepted their marriage and they also came to their house frequently. In these circumstances, the missing person Abitha became pregnant and the respondents 3 to 5 took his wife to Coimbatore and later he was informed that the pregnancy of his wife was aborted at Coimbatore. On 21.02.2024 she went for treatment, but she never returned



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back to home. Therefore, he lodged a complaint before the respondent police and CSR was issued in CSR No.235/2024. Since no further action was taken, the petitioner has filed the present habeas corpus petition before this Court.

3. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the petitioner, CSR was issued in CSR No.235/2024 and the respondent police has traced the detenu and produced before this Court.

4. Today when the matter is taken up for hearing, the respondent police has produced the missing person before this Court. We enquired the missing person. She states that she was born on 07.02.2000 and she is working in private concern at Coimbatore and she know the petitioner while they were working in a travels company and they got married. Subsequently, the petitioner had abused her under the influence of Alcohol and hence, on her own volition, she has left the matrimonial home. Now, she is living with her parents and she is not under the illegal custody of anyone.



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5. In view of the above, we find that due to matrimonial cruelty, she left the matrimonial home on her own volition and she is not in illegal detention of anybody. Hence, this Habeas Corpus Petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
16.07.2024

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

To:

- 1.The Superintendent of Police,
Theni District.
- 2.The Inspector of Police,
Theni Police Station,
Theni 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.

am

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