



H.C.P.(MD) No.860 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM:

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

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R.Dinesh

... Petitioner

-VS-

1.The State rep.by
The City Police Commissioner of Madurai
City Police Commissioner Office
Near Lotus Water Tank
Alagarkoil Road, K.Pudur
Madurai Town

2.The Inspector of Police
C3 S.S.Colony Police Station
Madurai Town

3.A.Murugan

... 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 detenues, by name, Gunasundari, wife of Dinesh Raja, female, aged 29 years, and another one minor namely Thanuja, daughter of Dinesh Raja, female child, aged 5 years, before this Court and set them at liberty.



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For Petitioner : Mr.D.Thiruppathi

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1 & R2

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 his wife, namely, Gunasundari, aged about 29 years, and minor daughter, namely, Thanuja, aged about 5 years, produce them before this Court and set them at liberty.

2. It is the case of the petitioner that the first missing person is his wife and the second missing person is his daughter. There was a misunderstanding between him and his wife. The third respondent, who is the father-in-law, and his wife detained the petitioner's wife and minor daughter in their illegal detention and the whereabouts of his wife and minor daughter are not known. Though he made a complaint before the respondent – Police on 07.06.2024 seeking to secure his wife and minor daughter from the illegal detention of the third respondent, till date no action has been taken based on the said complaint. Hence, this habeas corpus petition.



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3. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that there is a matrimonial dispute between the petitioner and his wife / first missing person and the petitioner has filed H.M.O.P.No.616 of 2021, before the Family Court, Madurai, seeking restitution of conjugal rights, in which, he has obtained an interim order in his favour. The petitioner's wife / first missing person has filed a maintenance case in M.C.No.43 of 2021, before the same Court. However, since she had not appeared before the Court, it came to be dismissed for default. The petitioner and his wife are separated for the past 3 ½ years and she along with her minor daughter has moved to her parental home. However, based on the complaint given by the petitioner, the respondent – Police are continuing with the investigation and as and when the detenues are secured or their whereabouts is located, the same will be intimated to the petitioner

4. In view of the above submissions, we are of the view that there is a matrimonial dispute between the petitioner and his wife / first missing person, thereby she went to her parental home along with her minor daughter and they are separated for the past 3 ½ years. Therefore, we are of the view



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that the petitioner's wife and minor daughter are not in illegal detention of anybody.

5. Accordingly, the habeas corpus petition is closed. The respondent – Police is directed to continue with the investigation in accordance with law and as and when the detenues are secured or their whereabouts is identified, the same shall be intimated to the petitioner forthwith.

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

[K.R.S., J.]

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

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To:

1.The City Police Commissioner of Madurai,
City Police Commissioner Office,
Near Lotus Water Tank,
Alagarkoil Road, K.Pudur,
Madurai Town.

2.The Inspector of Police,
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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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