



H.C.P.(MD).No.904 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.07.2024

CORAM

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

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Sutharson

.. Petitioner / Husband of the Detenue

Vs.

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli District.

2.The State Represented by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.

3.Sudalai Perumal

4.Kani

.. 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 secure the petitioner's wife namely Evenika, D/o.Susainathan aged about 22 years from the illegal detention of the 3rd and 4th respondents and produce her body or person before this Court and set her at liberty forthwith.



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For Petitioner : Mr.N.Balasubramanian
For R-1 & R-2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Habeas Corpus Petition has been filed by the petitioner seeking to produce the body or person of his wife, namely, Evenika, D/o.Susainathan aged about 22 years, before this Court.

2. The case of the petitioner is that the missing person is his relative and that he got married to the missing person at Kulasai Muthuramman Thirukovil, Thoothukudi District on 12.12.2023 and they were living at Radhapuram. While so, on 14.07.2024, when the petitioner was at work, the third and fourth respondents, in order to separate the petitioner and his wife, had abducted her and illegally detained her. Thereafter, the third and fourth respondents had, on collusion with the second respondent, with a view to separate the petitioner and his wife, has forcible threatened his wife to give a complaint against the petitioner before the second respondent



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Police. During the course of investigation, the petitioner had appeared before the second respondent and the missing person along with the respondents 3 and 4 appeared for enquiry. The second respondent, in order to separate them, had received an undertaking from the petitioner and thereafter, the respondents 3 and 4 had forcibly taken the petitioner's wife in a car. Apprehending danger to her life, this Habeas Corpus Petition has been filed.

3. The petitioner and the respondents 3 and 4 along with the missing person are present before this Court. We have enquired the missing person. She submitted that the petitioner is her husband and that she got married to him on 12.12.2023. Since the petitioner was addicted to alcohol and other drugs, he had abused and assaulted her and thereby, she had, on her own volition, left the matrimonial home and she is residing with the third and fourth respondents. She would further submit that due to the harassment, she has given a complaint to the second respondent Police, based on which, an enquiry was conducted and she on her own volition agreed to stay with her parents for a period of one month (till Aadi is over), whereas, the petitioner has filed this petition with false allegations. She would also



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submit that she is not in illegal custody of anybody and that she will join her husband as an when he becomes alright.

4. In view of the above submission, finding that the missing person is not in illegal custody, the Habeas Corpus Petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
26.07.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
O/o.the Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
The State,
All Women Police Station,
Valliyoor,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
K.RAJASEKAR,J.

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