



H.C.P.(MD) No.1272 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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Mahalingam

... Petitioner

-VS-

**1. The State Rep. by
The Superintendent of Police
Virudhunagar District,
Virudhunagar**

**2. The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District**

3.Perumal @ Perumalsamy

....Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents no. 1 and 2 to produce the person or body of Parvathi @ Pakiyalakshmi aged about 40 years , wife of the petitioner from the illegal custody of the third respondent before this Court and set her at liberty.

For Petitioner	:	Mr.P.Krishnasamy
For Respondents	:	Mr.T.Senthil Kumar
No.1 and 2	:	Additional Public Prosecutor



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ORDER

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The petitioner is not the husband of the detenue, though he has been categorized as such. He had married only the sister of the detenue. The detenue had differences of opinion with her husband. Taking advantage of that the petitioner had forced her to live with him.

2. When we enquired she complained about the false cases lodged against her by the detenue. Out of extreme frustration she had gone over to her daughter's house at Chennai. She is staying at Chennai. She is at peace in Chennai. This petition has been filed to disturb the peace of the detenue. The petitioner is not present, but the learned counsel is present.

3. On enquiry we are satisfied that she has a right to take her own decision about where she wishes to go and with whom she wishes to live and what manner of life she can lead. We are confident that her privacy must be respected and space must be given to her to take her own decision. We would have some restraint in expressing ourselves if the petitioner was the husband, but unfortunately he had taken advantage of her differences of opinion with her husband and had forced her to live with him. This cannot be encouraged.



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4. Though the learned counsel appearing for the petitioner requested time that the petitioner should be present, we are not inclined to disturb the peace of the detinue any further. She can live with her daughter at Chennai.

5. No further orders are required to be passed. Hence the petition stands closed.

[C.V.K., J.] [R.P., J.]
21.10.2024

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

1. The Superintendent of Police
Virudhunagar District,
Virudhunagar
2. The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V. KARTHIKEYAN, J.
AND
R.POORNIMA, J.

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