



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.468 of 2025

I.Emerson

... Petitioner/Husband of the detenue

.Vs.

1.The State of Tamil Nadu, represented by
The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

3.Palpandi

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to direct the respondents 1 and 2 to produce the Petitioner's wife(detenue)namely Muthumari, wife of Emerson, aged about 30 years, under the illegal custody of the third respondent herein and set her at liberty.



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For Petitioner : Mr.PrabhuRamachandran

For Respondents : Mr.E.Antony Sahaya Prabahar
1 and 2 Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking a direction to the respondents 1 and 2 to produce the Petitioner's wife(detenuenamely Muthumari, wife of Emerson, aged about 30 years, under the illegal custody of the third respondent herein and set her at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner herein is the husband of one Muthumari alleging that his wife had gone missing, leaving him and his two children, has given a complaint to the respondents Police on 27.12.2023. The Police took up the investigation and found that the wife of the Petitioner had eloped with her paramour by name



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Palpandi. In this connection, there was also a complaint received from one Renuka, the mother of Palpandi reporting about the missing of her son. Arraying the said Palpandi as third respondent, the present Habeas Corpus Petition is filed seeking issuance of a Writ of Habeas Corpus.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that on the complaint given by the Petitioner on 27.12.2023, enquiry was conducted and found that she is alive and eloped with her paramour, the third respondent herein and not ready to join with the petitioner and his family members.Recording the same, the respondents-Police has closed the complaint, since the wife of the Petitioner found alive and ascertined that she is not inclined to join with the Petitioner. It is for the Petitioner to seek for appropriate remedy before the appropriate forum for ascertaining his matrimonial status with his wife Muthumari, which has caused him sufferings to brought up his two minor children. He cannot file a Habeas Corpus Petition and force his wife to join him and serve him, against her wish. This Habeas Corpus Petition is a misconceived Petition and the same is liable to be dismissed.



WEB COPY 5. Accordingly, Habeas Corpus Petition stands dismissed, with cost of Rs.

1,000/- (Rupees one thousand only payable to the Legal Services Committee attached to this Bench.

[G.J.,J.] [R.P.,J.]
25.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

1. The Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Samayanallur Police Station,
Madurai District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN
H.C.P(MD)No.468 of 2025

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