



HCP(MD)No.1458 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 16/12/2025

CORAM

THE HONOURABLE **MR JUSTICE G.K.ILANTHIRAIYAN**
AND
THE HONOURABLE **MS JUSTICE R.POORNIMA**

HCP(MD)No.1458 of 2025

Prasath : Petitioner/Husband of the Detenue

Vs.

- 1.State rep. Through its
The Superintendent of Police,
Theni District.
- 2.The Inspector of Police,
Thevaram Police Station,
Theni District.
- 3.Kumar
- 4.Annalakshmi

: Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to produce the body or person of the detenue by name Maareeswari (aged 28 years) and Harshavardhan (minor aged 4 years), who have been illegally detained by the respondents 3 and 4 and produce before this Court and hand over the detenue to the petitioner's custody and pass such further or other orders.

For Petitioner : M/s.D.Saranya

For R1 and R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Detenue : Mr.R.Madhava Selvam



HCP(MD)No.1458 of 2025

ORDER

WEB COPY (Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

This petition has been filed for direction to the respondents 1 and 2 to secure and produce the detenue, who is the wife of the petitioner and petitioner's minor son Harshavardan before this Court.

2.The petitioner is the husband of the detenue Maareeswari. They got married on 13/03/2022 and gave birth to a male child. Thereafter, due to misunderstanding, his wife left the matrimonial home along with the minor child. Therefore, the petitioner lodged a complaint on 10/09/2025 before the second respondent Police and on the basis of the complaint, a case in Crime No.347 of 2025 has been registered under Woman and Child missing. During investigation, the second respondent found that the wife of the petitioner i.e., the detenue living with the third respondent.

3.The second respondent Police produced the detenue before this Court along with the child. She deposed before this Court that due to cruelty committed by the petitioner, she left the matrimonial home and



HCP(MD)No.1458 of 2025

now she is living with the 3rd respondent happily. She also got pregnant through the third respondent. Therefore, she expressed that she does not want to go with the petitioner.

4.In view of the facts, this Court finds that there is no illegal detention of the petitioner's wife and the child at the hands of the 3rd respondent. The detinue is also aged about 21 years. Further, the child is also with the mother namely the detinue and as such, it cannot be construed as illegal detention.

5.In view of the above, this Habeas Corpus Petition is **dismissed**. However, the petitioner is at liberty to approach the appropriate forum for appropriate relief as against the detinue in the manner known to law.

(G.K.I., J.) (R.P., J.)
16-12-2025

Index: Yes/No
Internet: Yes/No
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HCP(MD)No.1458 of 2025

G.K.ILANTHIRAIYAN,J
and
R.POORNIMA,J

er

To,

- 1.The Superintendent of Police,
Theni District.
- 2.The Inspector of Police,
Thevaram Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai..

HCP(MD) No.1458 of 2025

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