



HCP No.1173 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 1173 of 2026

P.Indhirani Selvakumari
C/o.Prabhu,
209, 5/2, 10th Street, Tamil Nagar, Slater Nagar,
Sanitorium Post, Perundurai,
Erode District - 638 052.

...Petitioner

Vs

1. The Superintendent of Police,
Erode District.
2. The State rep by,
The Inspector of Police,
Erode South Police Station, Erode District.

(Respondent police station amended as per the
order of this Court dated 01.07.2026 in
HCP.No.1173 of 2026)

...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue an order or orders of directions in nature of writ particularly a Writ of Habeas Corpus and direct the respondents to produce S.Sambathkumar, S/o.Swamydurai, aged about 80 years before this Court and set him at liberty.



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For Petitioner:

Mr.K.Sudhakar

For Respondents:

Mr.C.R.Malarvannan

Counsel for Government of Tamil Nadu

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu-S.Sambathkumar, aged about 80 years, has filed this Habeas Corpus Petition alleging that her husband is in the illegal custody of his brothers.

2. It is the case of the petitioner that she was driven away from her matrimonial home five years ago and ever since then she has been denied access to her husband by her husband's brothers, who have also made her husband transfer certain properties in their favour, besides selling other properties.

3. On the previous occasion, we had interacted with the detenu, who stated that his wife left him more than a decade ago. Since there was a factual controversy, we had directed the respondents to cause an enquiry as to when the wife had left the matrimonial home.



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4. Today, the 2nd respondent had filed a status report, stating that the petitioner/wife had been living in her daughter's house ever since the daughter gave birth to twins on 01.04.2012 and that the detenu had stated before him that he is residing with his brother out of his own free will and was not in illegal custody.

5. While the respondents have not explicitly indicated when the petitioner and the detenu began living apart, it is noted that the petitioner claims they have been separated for the last five years. We interacted with the detenu on the previous hearing and even today in the presence of his wife and daughter. The detenu had categorically stated that he is not willing to talk to his wife or his daughter. He would further add that he is not in illegal detention.

6. In view of the aforesaid statement, we find no reasons to entertain this Habeas Corpus Petition, merely because it is alleged that the detenu had transferred certain properties against the wish of the petitioner (wife) and his daughter.



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7. In fact, on the previous occasion, we had directed the detenu to file an Affidavit of Assets. We are informed by the nephew of the detenu that the detenu has signed the Affidavit and sent it by post to his counsel at Chennai, which is yet to reach him. However, learned counsel produced a scanned copy of the Affidavit. The learned counsel for the detenu shall file the Affidavit in the Registry as and when he receives it and serve a copy of the Affidavit on the counsel for the petitioner.

8. With the above observations, we close the Habeas Corpus Petition.

(A.S.M.,J.) (S.M.,J.)
06-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Superintendent of Police
Erode District.
2. The Inspector of Police
Erode South Police Station,
Erode District.
3. The Joint Secretary,
Law and Order Department,
Secretariat, Chennai – 600 009.
4. The Public Prosecutor,
High Court of Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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