

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

H.C.P. No.2717 of 2015

J.Vanitha

... Petitioner

-v-

1.The State rep. by
The Inspector of Police,
K-2 Ayyanavaram Police Station,
Ayyanavaram, Chennai-23.

2.Selvi

3.R.Ashwin Kumar

... Respondents

(R3 impleaded as per order passed by
this Court dated 30.10.2015 made in
M.P. No.1/2015 in HCP. No.2717/2015)

Habeas Corpus Petition filed under Article 226 of the
Constitution of India praying for the issuance of a writ of
Habeas Corpus to produce Ravikumar, S/o.Chinnathambi, aged about
41 years, residing at No.199/62F, 4th Lane, Vellalar Street,
Ayyanavaram, Chennai-23, before this Court and set him at
liberty.

For Petitioner : Mr.S.Murugan

For Respondents: Mr.A.N.Thambi Durai
APP for R1

Mr.R.Muniyapparaj for R2 and R3

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O R D E R

(Order of the Court made by S.TAMILVANAN, J.)

Heard the learned counsel for the petitioner, learned
counsel for respondents 2 and 3 and the learned Additional
Public Prosecutor for R1.

2.The petitioner Vanitha has averred in the petition that
the detenu Ravikumar, S/o.Chinnathambi, aged about 41 years,
husband of the second respondent Selvi, is in the illegal
custody of the said second respondent and she sought an order in

the nature of HCP to direct the first respondent to produce the husband of the second respondent before this Court and to set him at liberty.

3. Learned counsel for respondents 2 and 3 submits that only with a view to grab the property of the alleged detenu and respondents 2 and 3, based on the illegal intimacy developed by the petitioner with the alleged detenu, she has come forward with this petition, stating herself as friend of the alleged detenu, which is not legally maintainable.

4. Learned counsel for the petitioner has not disputed the fact that the petitioner is the wife of late one Jayagopi. According to the learned counsel for R2 and R3, the petitioner has wrongly alleged that she is a friend of Ravikumar and filed this petition seeking an order in the nature of HCP against the second respondent/wife of the alleged detenu, hence, the petition be dismissed with cost.

5. It is crystal clear that the petitioner, a third party has come forward with this petition against the second respondent/wife of the alleged detenu as if the alleged detenu is illegally detained by the second respondent. Having considered the facts and circumstances of the case, we are of the view that the petitioner, wife of some other person has filed this petition alleging that the detenu is in the illegal custody of the second respondent, though she is none other the wife of the alleged detenu. Filing this type of petition is a clear abuse of process of law and the Court. In the aforesaid circumstances, we find it reasonable to dismiss this petition with costs.

6. In the result, this petition is dismissed as the same is legally not sustainable, with costs of Rs.10,000/-, to be paid by the petitioner to respondents 2 and 3, who are the wife and son respectively of the alleged detenu.

Sd/
ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vga

To

1.The State rep. by
The Inspector of Police,
K-2 Ayyanavaram Police Station,
Ayyanavaram, Chennai-23.

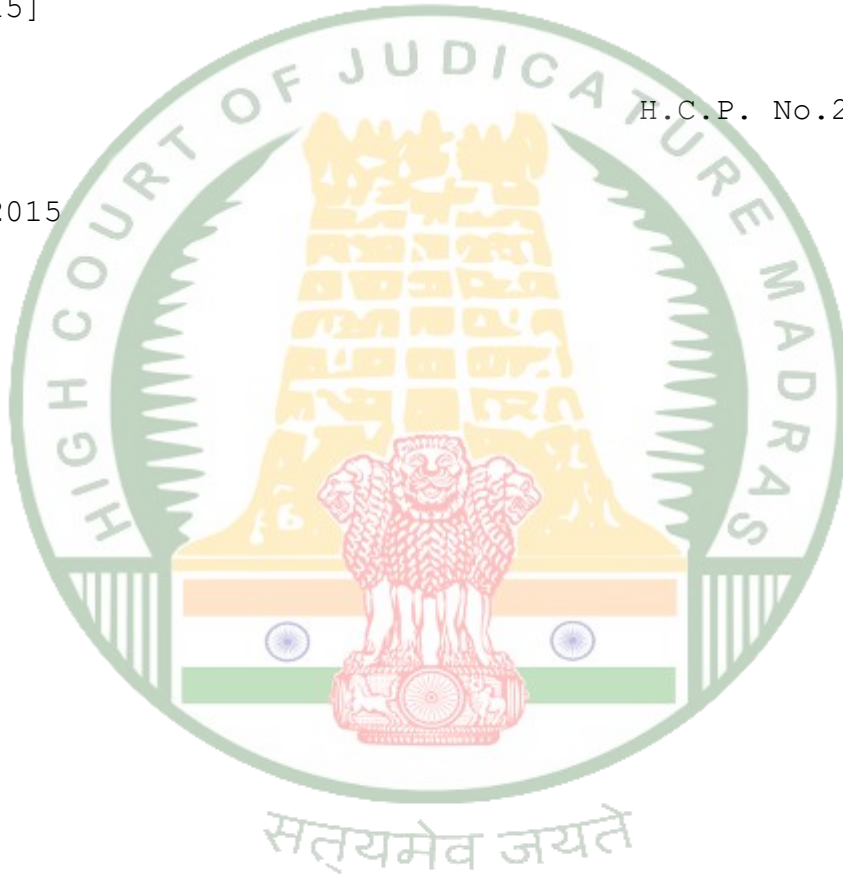
2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 CC to MR. S.Murugan Advocate. SR.NO. 59434

+2 C.C. To MR.R.Muniyapparaj, Advocate in SR.NO.59828
[10/12/2015]

H.C.P. No.2717 of 2015

CO-RSI
JD 30/11/2015



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