

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2382 of 2016

Mrs.Jeyashri

...Petitioner / Wife of
the Detenu

Vs.

1.The Commissioner of Police
Vepery
Chennai-7.

2.The State represented by
Inspector of Police, (Law & Order)
K-5, Peravallur Police Station
Chennai-82.

3.The State represented by
Inspector of Police
W-17 All Women Police Station
Peravallur, Chennai-82.

4.M.Prakash @ Manikath Prakash

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents 1 to 3 to produce the detenu, namely, Dr.S.G.D.Gangadaran, aged about 52 years, son of S.G.DINAKARAN, residing at No.8, D-1, IV Floor, Swathi Flats, 6th Main Road, Jawahar Nagar, Chennai-600 082, before this Court and set her at liberty.

For Petitioner : M/s.T.S.Raja Mohan

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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ORDER

[Order of the Court was made by S. BASKARAN, J]

This petition has been filed by the wife of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus,

directing the respondents 1 to 3 to produce the body of Dr.S.G.D. Gangadaran, aged about 52 years, before this Court and to set him at liberty.

2. The petitioner has stated that she had married the detenu on 18.6.1995. She gave birth to a child, namely, Master S.G. Vignesh, who was born on 27.9.1999.

3. According to the petitioner, the detenu is working at Government Royapettah Hospital, Chennai, as Professor of Oncology. She has stated that she and her son was ill-treated by the detenu due to the undue influence of the fourth respondent. The detenu is under the total control of the fourth respondent. While so, the detenu was missing from 20.10.2016. She could not either meet the detenu or speak with him over phone. Hence, the petitioner has come forward with this Habeas Corpus Petition.

4. On the day of last hearing, the detenu, the petitioner as well as their son were present before this Court.

5. Today, when the matter was taken up for hearing, the detenu, the petitioner and their son, were present along with their respective counsels.

6. The detenu was enquired. During enquiry, he had filed his affidavit before this Court. In the affidavit, he has stated as under:-

"I submit that I appeared physically before this Hon'ble Court on 07.11.2016 and I am not detained by the 4th respondent and I am not under the control of the 4th respondent. I am a Doctor by profession and everyday I am attending my work at Government Royapettah Hospital, Chennai-600 014 as Professor Oncology. I had already given a police complaint against my wife Mrs.S.G. Jeyashri on 07.10.2016 who has been constantly threatening my life by poisoning the food being served to me in my house and she has been suffering from obsessive disorder and behaving irritable aggressive behaviour towards me and further I filed H.M.O.P.No.4016 of 2016 for dissolution of marriage between myself and Mrs.S.G.Jeyashri, the petitioner herein before the III Additional Family Court, Chennai which was posted for hearing on 08.12.2016. As a counter blast and to harass me and to make my character assassination, the above case has been filed by the petitioner in the above case. As already stated, as a doctor everyday I am attending the Government Royapettah Hospital and therefore, I am under the control of 4th respondent is totally false statement and I am filing this affidavit for the facts stated above."

7. On enquiry, the detenu has stated that he is not under the control of the fourth respondent. He is attending the duty as a doctor at Government Royapettah Hospital, regularly. He has further stated that only due to the misunderstanding between the petitioner and him, he has left the matrimonial home. He is staying away from the petitioner and his son. He has further stated that he had filed a petition in H.M.O.P.No.4016 of 2016 on the file of III Additional Family Court, Chennai, seeking dissolution of the marriage and the said case was posted for hearing on 8.12.2016. He has also stated that he is not willing to go along with the petitioner.

8. Therefore, it is clear that the detenu is not under the illegal custody of anybody, including the fourth respondent. In such circumstances, the detenu is set at liberty to go as per his wish. It is open to the parties to work out their remedies, if any, before the appropriate forum, in the manner known to law.

In view of the above, the Habeas Corpus Petition stands closed.

rnb

Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

1.The Commissioner of Police
Vepery
Chennai-7.

2.The State represented by
Inspector of Police, (Law & Order)
K-5, Peravallur Police Station
Chennai-82.

3.The State represented by
Inspector of Police
W-17 All Women Police Station
Peravallur, Chennai-82.

4.The Public Prosecutor,
High Court, Madras.

+1CC to M/S.T.S.RAJA MOHAN Advocate SR.NO.65764

H.C.P.No.2382 of 2016

GT[CO]
MK:30/12/2016



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