

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

HCP.No.466 of 2021

K.Subiksha

... Petitioner

-vs-

1. The Commissioner of Police,
Office of the Commissionerate,
Greater Chennai Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai-600 007.

2. The Inspector of Police,
Kodambakkam Police Station,
Kodambakkam,
Chennai-600 024.

3. Gowri Shankar

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's husband Mr.G.Aravindh, son of Gowri Shankar aged about 32 years before this Court from the custody of the 3rd respondent.

For Petitioner : Ms.C.S.Vedavallikumar

For Respondents : Mr.R.Prathap Kumar
1 and 2

ORDER

(Order of the Court was pronounced by T.RAJA, J.)

The Habeas Corpus Petition has been filed seeking a direction to the 2nd respondent to produce the petitioner's husband, Mr.G.Aravindh, son of Gowri Shankar aged about 32 years before this Court from the custody of the 3rd respondent.

2. Learned Counsel appearing for the petitioner-wife submitted that the marriage between the petitioner and the detenu G.Aravindh was solemnized on 11.11.2019 and after

marriage, both the husband and wife left Abu Dhabi where the detenu has been working. Thereafter, the petitioner gave a complaint to the local police about her husband alleging that he was a chronic alcoholic and drug addict and tried to kill her and on the basis of the said complaint, he was taken into custody by the Abu Dhabi police. However, she came back to India and gave a complaint before the All Women Police Station, T.Nagar, Chennai-17. Learned Counsel further submitted that in the meanwhile, both the parties, namely, husband and wife, have entered into an Unregistered Memorandum of Understanding dated 24.05.2020 holding that the marriage between them has dissolved. Thereafter, the petitioner came to know that her husband G.Aravindh is missing from the home. Therefore, she has been advised to come to this Court seeking to produce him before this Court from the custody of the 3rd respondent.

3. Heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4. We are unable to find any justification in entertaining the present petition. The reason being that when there was an unregistered Memorandum of Understanding between the petitioner-wife and her husband-detenu, namely, Aravindh dated 24.05.2020, they are living separately. Secondly, from the Unregistered Memorandum of Understanding entered into between the parties, the relationship between the parties as wife and husband has already come to an end. They have terminated the matrimonial relationship and acted upon the Memorandum of Understanding. Therefore, the question of living together does not arise in this case. Hence, the present Habeas Corpus Petition is not at all maintainable and the same is liable to be dismissed.

5. In the result, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Office of the Commissionerate,
Greater Chennai Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai-600 007.

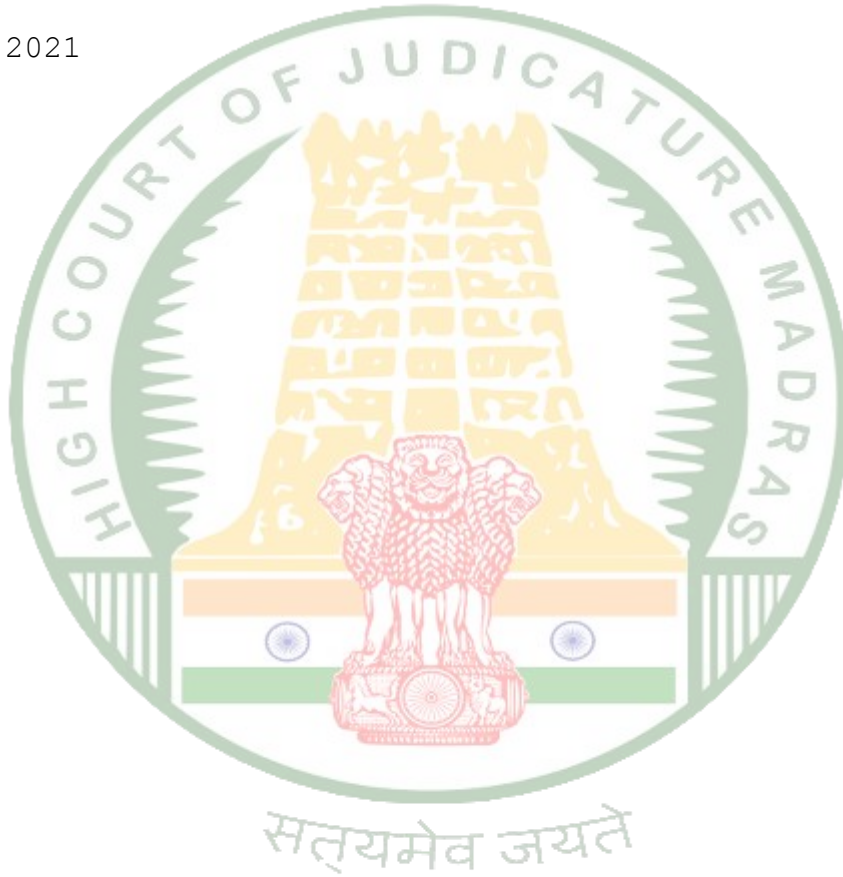
2. The Inspector of Police,
Kodambakkam Police Station,
Kodambakkam, Chennai-600 024.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Vedavalli Kumar, Advocate, S.R.No.19621.

HCP.No.466 of 2021

MG (CO)
CSR 28.04.2021



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