

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.578 of 2021

M.Karthick

.. Petitioner

Vs.

1.The Commissioner of Police,
Chennai Metro City,
Vepery, Chennai - 07.

2.The Inspector of Police,
H-1, Old Washermanpet,
Washermanpet,
Chennai - 600 021.

3.R.Ezhilarasi

4.Ramu

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the 2nd respondent police to produce the petitioner's wife viz., Mathuri, wife of Karthik, aged about 24 years, and from the custody of 4th respondent before this Court and set her at liberty.

For Petitioner : Mr.T.V.C.Kartheeban

For RR 1 and 2 : Mr.R.Prathap Kumar
Additional Public Prosecutor

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ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent police to produce the petitioner's wife viz., Mathuri, wife of Karthik, aged about 24 years, and from the custody of 4th respondent before this Court and set her at liberty.

2. It is the case of the petitioner that he got married to Mathuri, aged about 24 years and had the marriage registered. It is the allegation of the petitioner that Mathuri is in the illegal custody of her parents. In this connection, the petitioner has sent a representation dated 15.03.2021 to the police by post and has thereafter, filed the present habeas corpus petition.

3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner has come out with utter falsehood, inasmuch as, in the representation dated 15.03.2021, he has stated that in December 2020, he took his wife Mathuri from her parental home in Chintadripet and dropped her at 5.00 p.m. and thereafter, her parents are not permitting her to join him, whereas, in paragraph no.6 of the affidavit, he has stated a different version viz., that his wife Mathuri was called from his house and so, he dropped her in her parental home and thereafter, she is not been allowed to join him.

4. We are not satisfied with the bona fides of the alleged marriage between the petitioner and Mathuri. That apart, the learned Additional Public Prosecutor submitted that the petitioner has been harassing Mathuri and that is why, Mathuri was forced to give a complaint to the Inspector of Police, W-3, All Women Police Station, Chintadripet, on 13.09.2020, against the petitioner, based on which, a petition enquiry was conducted in C.S.R.No.86 of 2020, in which, the petitioner appeared on 14.03.2021 and gave a statement that he will not harass Mathuri. After having given a written undertaking to the police that he would not harass Mathuri, the petitioner had sent a representation dated 15.03.2021 to the police with false averments. It is seen that Mathuri is married to another person and living peacefully.

5. In such view of the matter, it cannot be stated that Mathuri, aged about 24 years, is in the illegal custody of anyone for the issuance of writ of habeas corpus.

In our opinion, this is a vexatious petition to harass a lady and therefore, this habeas corpus petition is dismissed with cost of Rs.50,000/- payable by the petitioner to the credit of the Chief Minister's Public Relief Fund.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Commissioner of Police,
Chennai Metro City,
Vepery, Chennai - 07.

2.The Inspector of Police,
H-1, Old Washermanpet,
Washermanpet,
Chennai - 600 021.

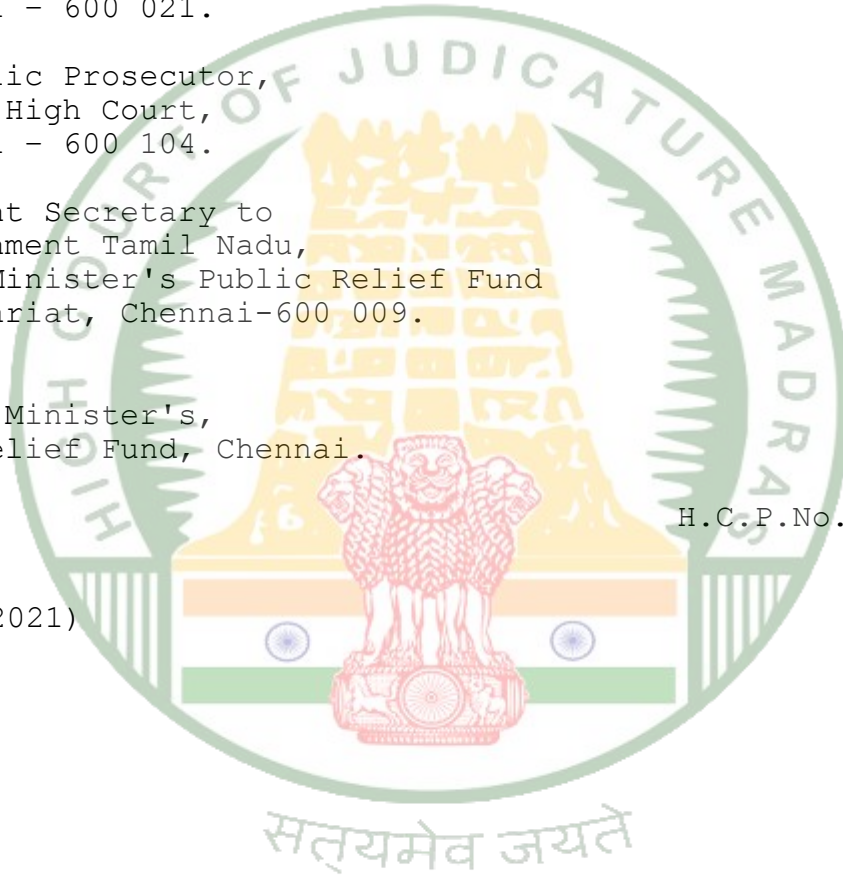
3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

4.The Joint Secretary to
Government Tamil Nadu,
Chief Minister's Public Relief Fund
Secretariat, Chennai-600 009.

Copy to:
The Chief Minister's,
Public Relief Fund, Chennai.

H.C.P.No.578 of 2021

AJB (CO)
CB(18/06/2021)



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