

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No.2594 of 2020

Dr.T.Ramachandrudu

... Petitioner

Vs.

State Rep. by

1.The Superintendent of Police,
(North), Puducherry.

2.The Inspector of Police,
Orleanpet Police Station,
Puducherry.

3.N.Surendran Pillai

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing respondents 1 and 2 herein to produce the body and person of the petitioner's daughter-in-law namely Dr.Indu Surrendran, aged about 32 years, before this Court with the illegal custody of the third respondent and set her at liberty forthwith.

For Petitioner .. Mr.M.Gnanasekar

For Respondents .. Mr.D.Bharathachakravarthi
Public Prosecutor (Puducherry)
for R1 and R2

ORDER

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

Seeking a direction to respondents 1 and 2 herein to produce the body and person of the petitioner's daughter-in-law namely Dr.Indu Surrendran, aged about 32 years, before this Court from the illegal custody of the third respondent and to set her at liberty forthwith, the present petition has been filed.

2. It is the case of the petitioner that his son Dr.Venkata Ganesh completed M.B.B.S. in JIPMER and thereafter, went for

Post-Graduation to Chandigarh in the year 2016. There, he fell in love with Dr.Indu Surrendran, a Psychiatrist and got married to her on 25.02.2017 at Guruvayur, without the knowledge of the petitioner. On coming to know of this, the petitioner lodged the police complaint on 21.05.2017. It is further stated that the marriage ran into rough weather resulting in the spouses filing HMOP No.1120 of 2019 for divorce by mutual consent in the District Court, Trivandrum. It is the grievance of the petitioner that the third respondent, who, is the father-in-law of his son, had instigated his son to withdraw HMOP No. 1120 of 2019 on 16.11.2019 and thereafter had exhorted him to file a fresh petition in HMOP No. 2663 of 2019 under Section 13(1)(a) of the Hindu Marriage Act, 1955, against his wife.

3. It is the further grievance of the petitioner that Dr.Indu Surrendran is not appearing in HMOP No. 2663 of 2019, which is pending on the file of the Family Court, Trivandrum. Therefore, the petitioner has filed this present habeas corpus petition for causing production of his daughter-in-law.

4. In the opinion of this Court, a writ of habeas corpus cannot be issued in a purely matrimonial issue especially when there are no materials to show that Dr.Indu Surrendran is in the illegal custody of any person.

5. In the result, the habeas corpus petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

1.The Superintendent of Police,
(North), Puducherry.

2.The Inspector of Police,
Orleanpet Police Station,
Puducherry.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.M.Gnanasekar, Advocate Sr.No. 613

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UM(CO)

RMP(27/01/2021)