



H.C.P.No.1147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

Coram

The Honourable Mr. Justice **PARESH UPADHYAY**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P.No.1147 of 2022

M.Ganapathy @ Gowtham

.. Petitioner

Vs

1.The Superintendent of Police,
Villupuram, Villupuram District.

2.The Inspector of Police,
D1 Gingee Police Station,
Gingee, Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to
praying to issue a writ of Habeas Corpus directing the respondents to
secure and produce the petitioner's wife R.Bharathi, aged 25 years
before this Court and set her at liberty to the petitioner.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER



H.C.P.No.1147 of 2022

(Order of the Court was made by *A.D.JAGADISH CHANDIRA, J.*)

WEB COPY

Seeking a direction to the respondents to secure and produce the petitioner's wife - R.Bharathi, aged 25 years, before this Court and to set her at liberty to the petitioner, the present habeas corpus petition has been filed.

2. The case of the petitioner is that he had completed 12th standard and was working as an auto driver. The alleged detainee Bharathi is his relative and she has completed B.E. and is working in an I.T. company in Bangalore. It is the further case of the petitioner that he was in love with the said Bharathi for three years and due to the disparity in economic status, Bharathi's father Raman was against their marriage and so, they got married without the knowledge of the father of Bharathi on 13.05.2022 at Bangalore and lived as husband and wife. It is his further case that Bharathi's father – Raman, who came to know about the marriage, came to Bangalore on 27.05.2022 and took the said Bharathi along with him and subsequently, some goondas also gave life threat to him. Since Bharathi's mobile phone is switched off and he is unable to contact her, the petitioner had given a complaint to the respondents on 10.06.2022 by online.



H.C.P.No.1147 of 2022

WEB COPY

3. Since the respondents have not taken any steps to secure his wife, the petitioner has filed the present habeas corpus petition.

4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that the petitioner had sent an online complaint on 10.06.2022 and during enquiry, it came to light that the alleged detainee Bharathi had given a complaint to the All Women Police Station (AWPS), Gingee, alleging that the petitioner had induced her and taken her and thereafter, relieved her of her ATM card, two gold rings and Rs.1,00,000/- cash and that the petitioner and his relatives have refused to return the same and based on the complaint given by the said Bharathi, enquiry was conducted in C.S.R.No.283 of 2022. He would further submit that the second respondent/police has also enquired the said Bharathi and she has informed that she is a major and she is not in the illegal custody of anybody. He would further submit that the second respondent/police is ready to produce the alleged detainee Bharathi before this Court, if required.



H.C.P.No.1147 of 2022

WEB COPY

5. Heard Mr.M.Anandaraj, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor for the respondents.

6. The case of the petitioner is that his wife Bharathi is being illegally detained by his father-in-law and since no action had been taken on the complaint given by him to the respondents, he has preferred this habeas corpus petition.

7. It is now reported by the learned Additional Public Prosecutor that the second respondent/police had enquired the issue and that the alleged detainee Bharathi is not kept in illegal detention.

8. The alleged detainee, whom the petitioner claims to be his wife, is a major. We are of the opinion that the alleged detainee is not in illegal detention of anybody, at the same time, we also intend not to express any opinion with regard to the alleged complaint stated to have been preferred by the said Bharati to All Women Police Station, Gingee.



H.C.P.No.1147 of 2022

WEB COPY

9. When the alleged detainee is not found to be in illegal detention, the Habeas Corpus Petition is not maintainable.

10. In view of above, this habeas corpus petition stands closed granting liberty to the petitioner to work out his remedy in the manner known to law.

(P.U., J.) (A.D.J.C., J.)
22.06.2022

Index: Yes/No
nsd/10/ssk.

To

- 1.The Superintendent of Police,
Villupuram, Villupuram District.
- 2.The Inspector of Police,
D1 Gingee Police Station,
Gingee, Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.1147 of 2022

PARESH UPADHYAY, J.
and
A.D.JAGADISH CHANDIRA, J.

nsd/ssk.

H.C.P.No.1147 of 2022

22.06.2022