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H.C.P.No.2268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2268 of 2022

Arbhindu Saaraa

.. Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office,
Vepery, Chennai – 600 007.

2. The State represented by its
Inspector of Police,
W-19, AWPS Adyar Police Station,
Adyar, Chennai - 600 020.

3. Rangasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the petitioner's wife Malathi, D/o.Rengasamy, aged 40 years and Kaniya aged 3½ years and Revna aged 2 years, before this Court and set him at liberty.



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For Petitioner : Mr.S.Shanmugam
For RR 1 and 2 : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the second respondent/police to produce his wife Malathi, aged about 40 years and daughters Kaniya and Revna, aged about 3½ and 2 years, respectively, before this Court and set him at liberty.

2. It is the case of the petitioner that he got married to Malathy on 04.07.2018 and through the wedlock, he has two children viz., Kaniya (DOB 02.04.2019) and Revna (DOB 18.09.2020) and on account of marital discord, the spouses got estranged. Alleging that the whereabouts of Malathy and two children are not known, the petitioner gave an online complaint on 28.07.2022 to the second respondent/police and thereafter, filed the present Habeas Corpus Petition.



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3. Today, C.Vijayakumari [Mobile No.9442856414], Inspector of Police, All Women Police Station, Adyar, Chennai, is present. The petitioner is also present.

4. The learned Additional Public Prosecutor connected us to Malathy *via* video call and when we interviewed Malathy, she stated so many things, which we do not want to record. Suffice it to say that Malathy and her children are not in the illegal custody of anyone and she is working in a place and taking care of her children.

5. In such a view of the matter, it cannot be stated that Malathy and the children are in illegal detention for the issuance of a writ of Habeas Corpus.

Hence, this habeas corpus petition stands closed with liberty to the petitioner to work out his remedy in the manner known to law.

(P.N.P., J.) (TKRJ)
10.11.2022

ars/nsd



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

To

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office,
Vepery, Chennai – 600 007.
2. The Inspector of Police,
W-19, AWPS Adyar Police Station,
Adyar, Chennai - 600 020.
3. The Public Prosecutor,
Madras High Court.

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