



WEB COPY



H.C.P.No.2381 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29..11..2022

Coram

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

Habeas Corpus Petition No.2381 of 2022

S.Sivashankar

..... Petitioner

-Versus-

1.The State of Tamil Nadu,  
Rep. by the Commissioner of Police,  
Avadi District, Avadi.

2.The Inspector of Police,  
T-12, Poonamallee Police Station,  
Poonamallee, Chennai 600056.

3.Sakthivel

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents to produce the petitioner's wife Jeevitha, aged about 20 years, before this court from the illegal custody of the 3<sup>rd</sup> respondent and set her at liberty.

*For Petitioner* : *Mr.C.K.M.Appaji*

*For Respondents* : *Mr.R.Muniyapparaj,*  
*Additional Public Prosecutor*



H.C.P.No.2381 of 2022

**ORDER**

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

WEB COPY

Claiming to be the husband of Jeevitha, aged about 20 years and she is in the illegal custody of the 3<sup>rd</sup> respondent, S.Sivashankar, the petitioner has come up with this Habeas Corpus Petition seeking a direction to the Jeevitha before this court from the illegal custody of the 3<sup>rd</sup> respondent and set her at liberty.

2. On 24.11.2022, we passed the following order:-

“It is the case of the petitioner that he got married to Jeevitha, aged about 20 years, on 06.07.2022 at Mangadu Kamatchi Amman Temple and thereafter, they were living together in his house for a month; Jeevitha conceived; while that being so, her father Sakthivel, third respondent herein, took her away forcibly on 14.08.2022 and thereafter, her whereabouts are not known.

2. Today, N.Saravanan (Mobile No.8939892969), Special Sub-Inspector of Police, T-12, Poonamallee Police Station, Chennai, is present.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint



*H.C.P.No.2381 of 2022*

given by the petitioner, a case in Poonamallee Police Station Crime No.492 of 2022 has been registered on 14.08.2022 for “woman-missing”. He also produced a video recording of Jeevitha, wherein, she has stated that she is living on her own volition with her parents.

4. We are not satisfied with the said video recording of Jeevitha. Therefore, we direct the second respondent/police to produce Jeevitha before this Court on 29.11.2022. The petitioner shall also be present before this Court on that day (29.11.2022).

Post the matter on 29.11.2022.”

3. Today, when the matter was taken up for hearing Mr.K.Suresh, Sub-Inspector of Police, T-12, Poonamallee Police Station, was present.

4.The respondent police have produced Sakthivel (3<sup>rd</sup> respondent), and Jeevitha (detenue). S.Sivashankar (petitioner) is also present.

5. When we enquired Jeevitha, she stated that her date of birth is



H.C.P.No.2381 of 2022

17.06.2003 and she has completed B.Sc., (Botany). She further stated that she got acquainted with Sivashankar in Instagram and taking advantage of the same, Sivashankar has created records as if he has got married to her. She further stated that she is not in the illegal detention of Sakthivel (father) and that she is there on her own volition.

6. We are, therefore, satisfied that Jeevitha is not in the illegal detention of the 3<sup>rd</sup> respondent for the issuance of a writ of habeas corpus. This Habeas Corpus Petition is dismissed accordingly.

(P.N.P., J.) (TKR., J.)  
29..11..2022

Index: Yes/No  
kmk

To

- 1.The Commissioner of Police, Avadi District, Avadi.
- 2.The Inspector of Police, T-12, Poonamallee Police Station,  
Poonamallee, Chennai 600056.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



*H.C.P.No.2381 of 2022*

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

kmk

H.C.P.No.2381 of 2022

29..11 ..2022