



WEB COPY



H.C.P.No.250 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.250 of 2023

Madanlal Chaudhary
S/o.Ranchhoda Ram

.. Petitioner/
Husband of the Detenue

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
132, EVK Sampath Road, Vepery,
Periyamet, Chennai – 600 007.

2.Inspector of Police,
C-5 Kothawal Chavadi Police Station,
George Town,
Chennai – 600 001.

3.Laatharam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the body of the petitioner's wife, namely, Sangeetha aged about 21 years before this Court from the illegal detention of the 3rd respondent and set her at liberty.



WEB COPY



H.C.P.No.250 of 2023

For Petitioner : Mr.P.Vikram Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.M.Sylvester John

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition'
[hereinafter 'HCP' for the sake of convenience and clarity].

2. This order has to be read in conjunction with and in continuation of
earlier proceedings made in previous listing on 28.02.2023, which reads as
follows:

*'Captioned Habeas Corpus Petition has been filed
stating that the spouse of the petitioner is in illegal detention of
third respondent [private respondent whom we are informed
father of the absentee]. The absentee is a major and she is 21
years old.*

*2.Today, the third respondent as well as absentee are
before us. We are informed by the learned Additional Public
Prosecutor that the absentee had come over to the third
respondent i.e. father's house as her grandmother was
indisposed/ill. It is also submitted that it comes to light that the
absentee is not inclined to go back to the petitioner. However,*



H.C.P.No.250 of 2023

WEB COPY

Mr.P.Vikram Kumar, learned counsel for petitioner request for a short accommodation saying that the petitioner would be present before this Court in the next listing. Request acceded to.

3.List on 02.03.2023.'

3. The aforesaid proceedings shall read as an integral part and parcel of this order.

4. The aforesaid proceedings dated 28.02.2023 is telltale *qua* factual matrix as well as the trajectory the matter has taken before us.

5. Today, petitioner, absentee and third respondent (father of absentee) were present in Court. The petitioner was represented by Mr.P.Vikram Kumar, learned counsel and respondents 1 and 2 (official respondents) were represented by learned Additional Public Prosecutor assisted by Mr.M.Sylvester John.

6. Before we proceed further, we notice that both petitioner and absentee (petitioner's spouse) are majors. Petitioner is 24 years of age and absentee is 21 years old and there is no disputation or contestation about



H.C.P.No.250 of 2023

their age.

WEB COPY

7. The petitioner and the absentee had interaction in the Court hall with sufficient privacy for some time before lunch and in the post lunch session also. Thereafter we had a short interaction with the absentee and petitioner one after the other. The absentee made it clear that she would like to be with the third respondent (her father) for the present, though the petitioner was keen to take the absentee with him.

8. The narrative thus far makes it clear that it is now a matrimonial issue. There is no illegal detention or illegal custody and therefore we deem it appropriate to dispose of the captioned HCP as closed albeit preserving all the rights and contentions of all parties concerned to workout their remedies as may be available in law in the appropriate Court/s / Forum/Fora.

(M.S.,J.)

(M.N.K.,J.)

02.03.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

rsi



H.C.P.No.250 of 2023

WEB COPY

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
132, EVK Sampath Road, Vepery,
Periyamet, Chennai – 600 007.
- 2.Inspector of Police,
C-5 Kothawal Chavadi Police Station,
George Town,
Chennai – 600 001.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.250 of 2023

M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

rsi

H.C.P.No.250 of 2023

02.03.2023