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H.C.P.No.589 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

H.C.P.No.589 of 2023

Balaji

.. Petitioner

Vs.

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

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

3.Murugaiyan

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus to direct the second
respondent to produce the petitioner's wife namely XXX, daughter
of Murugaiyan, aged about 21 years before this Court and set her at
liberty.



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For Petitioner : Mr.M.Vijayaragavan
For Respondents : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
assisted by
Ms.N.Danalatchoomy

ORDER

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

This order will now dispose of the captioned matter.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 17.04.2023 and a scanned reproduction of the same is as follows:



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and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.SUNDAR, J.,)

The central theme of the captioned 'Habeas Corpus Petition' [HCP] is petitioner's wife is missing from 23.03.2023.

2. Mr.M.Vijayaraghavan, learned counsel on record for petitioner who is before us submits that the petitioner was married to one 'Gayathri aged 21 years' [hereinafter 'absentee' for the sake of convenience and clarity] on 31.01.2023, she is missing from 23.03.2023 and the petitioner verily believes that his wife has been illegally detained by the third respondent [to be noted, third respondent is a private respondent and we are informed that third respondent is father-in-law of the petitioner].

3. Issue notice to respondents 1 and 2 (official respondents).

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and
M.NIRMAL KUMAR, J.,

mk

4. Mr.K.S.Mohandass, learned Public Prosecutor for Union Territory of Puducherry accepts notice for respondents 1 and 2 (official respondents) and submits that on a complaint from the petitioner, the matter was enquired into and on 28.03.2023 the absentee came over to the jurisdictional police station and submitted that she had gone with her parents on her own volition and she would be joining the petitioner shortly.

5. In the light of the allegation of illegal detention by the third respondent, learned Prosecutor to ensure that the absentee and jurisdictional police are before us in the next listing.

6. List day-after-tomorrow. List on 19.04.2023.


[M.S.J.,]

[M.N.K.J.,]
17.04.2023

mk

3. It is made clear that the aforementioned earlier proceedings dated 17.04.2023 shall be now read as an integral part



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and parcel of this order and the short forms and short references used in the earlier proceedings will continue to be used in the instant order also.

4. Today, Mr.M.Vijayaraghavan, learned counsel for petitioner, petitioner, Mr.K.S.Mohandass, learned Public Prosecutor for Union Territory of Puducherry assisted by Ms.N.Danalatchoomy, learned counsel for respondents 1 and 2 (official respondents), third respondent and the absentee were before this Court.

5. In the first call in the forenoon, this Court had a short interaction with the absentee. Thereafter, the absentee and the petitioner had interaction during lunch recess. Post lunch in the second call, we had interaction with the absentee and third respondent.

6. Absentee said that her date of birth is 25.01.2022 (she is 21 years of age and clearly a major); that she has married the petitioner; that she had come to her father's house in Puducherry on her own volition as her mother was a little unwell; that she would like to go with the petitioner now to her matrimonial home in Chengalpet District, Tamil Nadu; that she would like to keep visiting



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her parental home in Puducherry; that her mother-in-law is indisposed and therefore she wants to go with the petitioner for now.

7. In our short interaction with the third respondent, he said that his wife (absentee's mother) is unwell and she has a back problem.

8. We do not want to delve further into this matter as this is a habeas corpus legal drill and it comes out clearly that this is not a case of illegal detention or illegal custody. We also find that the absentee is clearly a major and it is for her to make her own choices.

9. In the light of the narrative thus far, we drop the curtains on the captioned HCP and say that the captioned HCP is disposed of as closed albeit recording what unfurled before us in the hearing today which has been captured supra.

(M.S.,J.) (M.N.K.,J.)
19.04.2023

Index : Yes
Neutral Citation : Yes
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To

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- 2.The Inspector of Police,
Lawspet Police Station,
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- 3.The Public Prosecutor,
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and
M.NIRMAL KUMAR, J.,**

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