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H.C.P.No.807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAKAVADI

H.C.P.No.807 of 2023

Mr.R.Madhumithran

.. Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai Police
Chennai – 600 007

2. The State
Rep. By Inspector of Police
Tambaram City-CCB
Tambaram, Chennai

3. Mr.Sundaramoorthy ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the respondent police to produce petitioner's wife Sadhana, aged 24 years before this Court and set her at liberty.

For Petitioner : Ms.Mubena Almas
for Mr.A.Syed Kaleesha

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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.Sylvester John, Advocate

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [HCP' for the sake of brevity].

2. Today, the petitioner, petitioner's counsel Ms.Mubena Almas, Mr.R.Muniyapparaj, learned Additional Public Prosecutor for Respondents 1 and 2 (Official respondents), instructed by Ms.K.Minimol, Women Constable Grade-I, T1, Tambaram Police Station (second respondent), third respondent and third respondent's daughter (who married petitioner on 17.03.2023) 'xxx' (we are masking the name and we shall be referring to her as absentee for the sake of convenience and clarity) are present in Court.

3. The petitioner and the absentee had an one to one interaction in the Court Hall with adequate privacy. In our interaction with the absentee it



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comes to light that the absentee by her own volition has filed matrimonial proceedings in H.M.O.P.No.569 of 2023 on the file of the Family Court, Kanyakumari at Nagercoil with a prayer for declaration that her marriage with the petitioner on 17.03.2023 and Marriage Certificate are illegal. It also comes to light that it is not a case of illegal detention. As the absentee has moved the Family Court, we leave all questions open to be canvassed by the parties concerned before the Family Court in the aforementioned H.M.O.P and / or any other collateral proceedings in the same Family Court or in any other Court / Fora.

4. The aforementioned Family Court or any other Court / Fora shall deal with the matter on its own merits and in accordance with law untrammelled and uninfluenced by this order made by us as this order is for the limited purpose of a habeas corpus legal drill qua testing whether there is any illegal detention or illegal custody.

Captioned HCP disposed of as closed.

(M.S.,J.)

(K.G.T.,J.)

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M.SUNDAR, J.,
and

K.GOVINDARAJAN THILAKAVADI, J.,

gpa

To

1. The Commissioner of Police
Greater Chennai Police
Chennai – 600 007
2. The Inspector of Police
Tambaram City-CCB
Tambaram, Chennai
3. The Public Prosecutor
Madras High Court, Chennai

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