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H.C.P.No.806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.806 of 2023

Antony Mahilan Raj

.. Petitioner

Vs

1.The Commissioner of Police,
Tambaram District.

2.The Inspector of Police,
Sankar Nagar Police Station,
Tambaram District.

3.Samynathan @ Kanagaraj

.. 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 body and person of the detenu namely Princy, W/o.Antony Mahilan Raj, aged about 27 years from the illegal custody of the third respondent and set her at liberty.

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For Petitioner : Mr.B.M.Santharam
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 and R2

ORDER

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

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity).

2. Factual matrix in a nut shell is that the 'petitioner's wife Princy, aged 27 years' (hereinafter 'absentee' for the sake of convenience) was missing from 09.03.2023; that there was some matrimonial discord about petitioner's avocation; that the petitioner was under the impression that the absentee may be in illegal custody of third respondent (to be noted third respondent is a private respondent); that captioned HCP was filed in this Court on 03.05.2023; that Honourable Predecessor Bench issued notice on 04.05.2023; that matter was mentioned on Friday saying that the absentee has come back, absentee and petitioner (spouses) have sorted out their disagreement and that they have decided to stay happily married.



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3. In the above circumstances, matter was listed today. Today petitioner, petitioner's counsel Mr.B.M.Santharam, absentee, Mr.E.Raj Thilak, learned State Additional Public Prosecutor are present in Court.

4. The aforementioned position i.e., that the petitioner and absentee have sorted out their differences and they have decided to live as a happily married couple is reiterated. This submission is recorded.

5. Be that as it may, as regards the allegations against the third respondent, we are informed by both sides i.e., petitioner's counsel as well as Prosecutor (petitioner's counsel on instructions from petitioner and absentee and Prosecutor on instructions from second respondent) that the absentee was in Tiruppur with her woman friend and the allegations against the third respondent are incorrect. In the light of this common submission, the legal consequence vide aforementioned Crime No.61 of 2023 dated 21.03.2023 on the file of the second respondent police station will follow. However, as a matter of abundant caution, we preserve all the rights and contentions of third respondent and make it clear that the disposal of captioned HCP will not in any



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way impact his rights and contentions.

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6. In the light of the narrative thus far, as it is not case of illegal detention or unlawful custody, we draw the curtains on captioned HCP and we conclude habeas legal drill.

7. Captioned HCP is disposed of as closed albeit preserving the rights of the third respondent in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
17.07.2023

Index : Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Commissioner of Police,
Tambaram District.
- 2.The Inspector of Police,
Sankar Nagar Police Station,
Tambaram District.
- 3.The Public Prosecutor
High Court, Madras.

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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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