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H.C.P.No.871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

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

**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

H.C.P.No.871 of 2023

Selvakumar  
S/o.Velayutham

.. Petitioner

Vs.

1. The Commissioner of Police  
Salem.

2. The Inspector of Police  
Karuppur Police Station  
Salem City.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent herein to secure the detainee namely, xxx, W/o.Selvakumar aged about 35 years and produce her before this Hon'ble Court and set her at liberty.

For Petitioner : Ms.D.Jeevitha  
representing  
Mr.R.Nalliyappan

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For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor  
assisted by  
Mr.N.Narkeeran  
Advocate

## **ORDER**

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

Captioned 'Habeas Corpus Petition' [hereinafter referred to as 'HCP' for the sake of convenience and clarity] has been filed in this Court on 15.05.2023. The petitioner has predicated the captioned HCP on a complaint that his spouse 'xxx' (we are masking the name for obvious reasons and we shall be referring the petitioner's spouse as 'absentee' for the sake of convenience and clarity) is missing from 28.03.2023.

2. A Hon'ble Vacation Bench issued notice on 17.05.2023 and today, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor (assisted by learned counsel Mr.N.Narkeeran) who accepted notice for both respondents are before us.

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3. The petitioner along with learned counsel representing the learned counsel on record for the petitioner as well as the absentee are before us.

4. We had short interactions with petitioner and absentee one after other and an adumbration of what emerged from these two interactions is as follows:

(a) The absentee is not in illegal custody. She shall now be moving to a relative's place in Salem;

(b) The absentee and petitioner have three children from their wedlock and all three children are now in the care and custody of the petitioner;

(c) Perceived matrimonial discord between absentee and petitioner appears to be there but it comes to light that it can be brought to a close one way or the other.

5. The narrative thus far makes it clear that this is not a case of illegal



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detention or illegal custody and therefore we drop the curtains on the captioned HCP albeit making it clear that all the rights and contentions of the petitioner, absentee or any other person concerned are preserved for other proceedings if any before any other Court or Forum.

6. Captioned HCP is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

02.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Commissioner of Police  
Salem.
2. The Inspector of Police  
Karuppur Police Station  
Salem City.
3. The Public Prosecutor  
High Court, Madras.

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

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