



H.C.P.No.891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

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

H.C.P.NO.891 OF 2023

Ravisasthiri

.. Petitioner

Vs.

1.The Superintendent of Police
Villupuram District,
Villupuram.

2.The Inspector of Police
Valathi Police Station
Valathi, Melmalaiyanur Tk,
Villupuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the respondents to produce the petitioner's wife detenue namely Anbarasi D/o. Perumal, aged about 30 before this Court and set her at liberty.



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For Petitioner : Ms.S.Sridevi
for Mr.M.Selvam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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. Factual matrix in a nutshell is that the petitioner had married one 'Anbarasi D/o. Perumal, Kannalam Village, Valathi Post, Melmalaiyanur Taluk, Villupuram' (hereinafter 'absentee' for the sake of convenience); that the marriage was solemnized on 12.09.2018; that there was matrimonial discord; that the petitioner was living separately in Valathi in a rented house; that the absentee was missing from 08.05.2023; that the absentee's father approached the second respondent police and lodged a complaint on 08.05.2023; that the complaint was registered vide Crime No.159 of 2023 (Woman missing); that under said circumstances, captioned HCP was filed in this Court on 15.05.2023 by the husband of the absentee; that on



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18.05.2023, a Hon'ble Division Bench (Vacation Court) issued notice; that the matter was mentioned today by the learned Prosecutor saying that the absentee has been located; that the matter has been taken up by listing vide an additional list.

3. Today, the petitioner, Ms.S.Sridevi learned counsel representing the learned counsel on record for petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for both respondents (official respondents) and the absentee are before this Court.

4. This Court is informed that the absentee went out of town on her own volition voluntarily and therefore, it is not a case of illegal detention or unlawful custody. This Court is further informed that the absentee will now be going away to her father's house in Villupuram and would be staying with him.

5. In the light of the narrative thus far, it is clear that this is not a case of illegal detention or unlawful custody as the absentee left town on



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her own volition and therefore, we drop the curtains on the captioned HCP.

However, we make it clear that all the rights and contentions of the petitioner, absentee, petitioner's father and any other person concerned with this matter are preserved for being canvassed in a Family Court or any other appropriate Court/ Fora if the need arises in any other proceedings/collateral proceedings. The aforementioned Family Court / Court / Fora shall deal with the matter on its own merits and in accordance with law uninfluenced by this order which is for the limited purpose of ascertaining whether there is illegal detention, this is a habeas corpus legal drill.

6. In the light of the narrative thus far, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of all the parties concerned in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

30.06.2023

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To

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- 1.The Superintendent of Police
Villupuram District,
Villupuram.
- 2.The Inspector of Police
Valathi Police Station
Valathi, Melmalaiyanur Tk,
Villupuram District.
- 3.The Public Prosecutor
Madras High Court, Chennai



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

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