



H.C.P.No.1321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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CORAM
THE HONOURABLE Mr.JUSTICE M.SUNDAR
and
THE HONOURABLE Mr.JUSTICE R.SAKTHIVEL
H.C.P.No.1321 of 2023

G.Sivagami .. Petitioner

Vs.

1. The Commissioner of Police
Commissioner Office
Avadi
Chennai – 600 054

2. The Asst. Commissioner of Police
Mahaveer Garden Road
Shanthi Nagar, Ambattur
Chennai – 600 053

3. The Inspector of Police
T-3, Korattur Police Station
Korattur
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct Respondents 1 to 3 to produce the petitioner's husband Mr.Rajkumar by body and person and set him at free and liberty before the Court on the day fixed by this Court.

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For Petitioner : Mr.N.Suresh
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 is that the petitioner married Mr.Rajkumar [hereinafter 'absentee' for the sake of convenience and clarity] on 21.09.2009 in a Church in Padi, Chennai; that the petitioner was living as a joint family post marriage; that there was matrimonial discord resulting in a police complaint; that Crl.O.P.No.2152 of 2014 was filed in this Court and pursuant to an order dated 17.06.2014 an FIR was registered for alleged offences under Sections 498, 406 and 420 of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity]; that captioned HCP has been filed apprehending that the absentee may be in illegal detention of his family members.



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3. Today, Mr.N.Suresh, learned counsel for petitioner, petitioner Ms.G.Sivagami, Mr.E.Raj Thilak, learned Additional Public Prosecutor for all the respondents, absentee and absentee's mother Ms.G.Varalaxmi are present in Court.

4. The petitioner has seen the absentee and petitioner confirms his identity.

5. The absentee is with his mother on his own volition (owing to marital discord with petitioner) and this Bench is informed that the address is as follows:

'Mr.G.Rajkumar
S/o. Gnanaprakash
No.7, TVS Nagar Main Road
Padi, Chennai – 600 050'

6. To be noted, the absentee was not inclined to interact with the petitioner. However, this habeas drill comes to an end as illegal detention aspect is a non-starter.

7. Be that as it may, in the light of aforementioned matrimonial discord and complaint, all the rights and contentions of the petitioner, absentee, absentee's mother and family members on either side are preserved / protected for collateral / connected proceedings if any pertaining



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to matrimonial discord and/or any other attendant issues. If any of the complaints are pending, the jurisdictional police shall proceed with the same in accordance with law and on its own merits untrammelled by this order which has been made for the limited purpose of a habeas legal drill.

Captioned HCP is disposed of as closed albeit with the aforementioned observations and preserving the rights of all concerned in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

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High Court, Madras.



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

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