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H.C.P.No.1445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 07.08.2023**

CORAM

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

**H.C.P.NO.1445 OF 2023**

A.Anandraj

.. Petitioner

***Vs.***

1.The State Represented by  
The Commissioner of Police  
Office of Police Commissionerate  
Avadi, Chennai - 600 054.

2.The Inspector of Police  
W-28, All Women Police Station  
Ambattur,  
Chennai – 600 053.

3.Rajan

4.Geetha

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the first and second respondent Police to produce the petitioner's wife namely

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Mrs.Greeshma, aged about 28 years, before this Court from the custody of the second and third respondents and set her at liberty.

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For Petitioner : Mr.S.Srinivasu

For Respondents : Mr.E.Raj Thilak  
1 and 2 Additional Public Prosecutor

For Respondents : Mr.M.Premkumar  
3 and 4

### **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 says that he is married to one Greeshma (hereinafter 'Greeshma' shall be referred to as 'absentee' for the sake of convenience), aged 28 years; that the marriage was solemnized on 26.04.2023; that respondents 3 and 4 who are parents of the absentee lodged a complaint in T-1 Ambattur Police Station on 05.05.2023 saying that the absentee is missing; that absentee was present in T-1 Ambattur Police Station on 05.05.2023 pursuant to investigation which in



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turn was pursuant to the complaint; that captioned HCP has been filed in this Court on 17.07.2023 saying that respondents 3 and 4 are holding the 'absentee' in illegal detention and that they are not permitting the petitioner to meet the absentee; that the petitioner has given a complaint dated 21.05.2023 (CSR No.349/2023) before the second respondent police station (W-28, All Women Police Station, Ambattur, Chennai – 600 053).

3.Today, Mr.S.Srinivasu, learned counsel on record for petitioner, petitioner, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents), fourth respondent (mother of absentee), absentee and Mr.M.Premkumar, learned counsel (Enrolment No.MS.1502/1999, No.5, First Floor, New Avadi Road, Villivakkam, Chennai – 600 049) are before us.

4.Mr.M.Premkumar, learned counsel for third and fourth respondents submits that he has instructions to represent respondents 3 and 4. This submission is recorded.



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5. After hearing all learned counsel and learned Prosecutor, this Bench had interaction with the absentee. Thereafter, the absentee had interaction with the petitioner (one to one with adequate privacy). After this, the absentee had interaction with the fourth respondent also (one to one with adequate privacy). After such interactions, this Bench again interacted with the absentee. From the interactions with the absentee, the following points emerged:

- (i) Absentee is clearly a Major and she is 28 years old;
- (ii) Petitioner is also a Major and he is 30 years old;
- (iii) The absentee married the petitioner on 26.04.2023;
- (iv) The absentee was with the respondents 3 and 4 after the marriage on her own volition in the hope of convincing her parents to accept her marriage with the petitioner;



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(v) The absentee now says that she would go with the petitioner (her spouse);

(vi) The absentee says that she has communicated this both to the petitioner as well as the fourth respondent in her aforementioned one to one interactions in Court.

6.The above drops the curtains on the captioned HCP, in other words, the above brings to halt the Habeas legal drill. The reason is both the absentee and the petitioner are clearly Majors, they have made a choice of their own and they say that they are happily married.

7.Learned counsel for respondents 3 and 4 submitted that some jewellery belonging to the respondents 3 and 4 are with the absentee and that the same have to be returned. We do not express any opinion or view on this aspect of the matter but we make it clear that all the rights and contentions of third and fourth respondents on one side and absentee on the other side and if required, the petitioner, are preserved for approaching a



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suitable Courts / Fora / Authority in this regard. If the appropriate Courts /  
Fora / Authorities are approached with a suitable petition/s, the appropriate  
Courts / Fora / Authorities shall consider the same on its own merits and in  
accordance with law untrammelled by this order, which has been made for  
the limited purpose of the Habeas legal drill on hand.

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

(M.S., J.)

(R.S.V., J.)

**07.08.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking / Non-speaking order  
TK



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To

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Office of Police Commissionerate  
Avadi,  
Chennai - 600 054.
- 2.The Inspector of Police  
W-28, All Women Police Station  
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- 3.The Public Prosecutor  
Madras High Court  
Chennai.



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

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