



HCP.No.2131/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2131/2023

Suganthi

... Petitioner

Vs.

1.The Commissioner of Police
Avadi Police Commissionerate
Chennai 600 054.

2.The Inspector of Police
M8 Sathangadu Police Station
Chennai 600 019.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India in the nature of Habeas Corpus directing the respondents to produce the detenu Sathishkumar, son of Ramamorthy, aged about 50 years before this Court and set him at liberty.



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For Petitioner : Ms.R.Saritha
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

- (1)The present writ petition has been filed by the petitioner/wife of the detenu seeking a mandamus to direct the respondents to cause production of her husband, detenu herein, Mr.Sathishkumar, aged 50 years, before this Court and to set him at liberty.
- (2)It is the case of the petitioner that her husband Sathishkumar, developed illicit intimacy with one Mrs.Devika who is his childhood friend and got separated from her husband. The petitioner made several allegations against her husband who was spending money on the said Devika. It is her further case that her husband is being blackmailed by the said Devika after getting signatures in blank promissory notes as if the petitioner's husband / detenu availed loans from the said Devika with whom the



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detenu had inappropriate relationship. The petitioner states that her husband was missing from 23.08.2023 and she is unable to contact him through his mobile number and she presumed that her husband is in the illegal custody of Devika and one lady, Yasodha, sister of Devika and one Vijay, who is the son of Devika. It is also her case that the detenu/petitioner's husband is kept illegally by the said Devika, Yasodha and Vijay at Tirupathi, Andhra Pradesh.

(3) The learned Additional Public Prosecutor on instructions, submitted that a similar complaint was made by the petitioner herself in the year 2022 and after enquiry, the detenu was secured and he went along with the petitioner herein.

(4) This Court finds that there is no illegal detention of the detenu in this case as the husband of the petitioner appears to be on his will, living with another lady in another State. Hence, this Court is unable to entertain this Habeas Corpus Petition as the facts narrated by the petitioner herself would show that her husband is not in cordial terms with her and it is only a matrimonial dispute between the petitioner and her husband.



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(5) Leaving it open to the petitioner to seek appropriate relief in different

Forum, this petition stands **dismissed**.

[S.S.S.R., J.] [S.M, J.]
31.10.2023

AP

Internet : Yes

To

1.The Commissioner of Police
Avadi Police Commissionerate
Chennai 600 054.

2.The Inspector of Police
M8 Sathangadu Police Station
Chennai 600 019.

3.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

AP

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