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H.C.P.No.2175 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2175 of 2023

Lakshmipathi

... Petitioner

Vs.

1.The Commissioner of Police,
Avadi Police District Commissionerate,
Avadi,
Chennai – 600 071.

2.The Inspector of Police,
T-6 Avadi Police Station,
Avadi,
Chennai – 600 071.

3.Abraham Arnald

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the 1st and 2nd respondents to produce the detainee Moniha, W/o.Lakshmipathy, the petitioner herein, aged 31 years, now under the custody in the hands of 3rd respondent herein, before this Court and set her at liberty.

Page 1 of 6



H.C.P.No.2175 of 2023

For Petitioner : Mr.S.Jeevanantham
For R1 and R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

The petitioner, who is the husband of the detenue namely, Moniha, aged 31 years, has come forward with this petition to produce the detenue before this Court and set her at liberty.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.From the affidavit itself, it appears that the petitioner's wife, the detenue herein, eloped with the 3rd respondent. The petitioner himself states in the affidavit that there was a wordy quarrel between the petitioner and his wife (detenue) after seeing some of the photographs uploaded by the detenue and the 3rd respondent in the YouTube. The petitioner states that he



H.C.P.No.2175 of 2023

had been inside jail for the past 3 years and now he has been granted bail on 21.10.2023. The entire case appears to be a matrimonial discord between the petitioner and his wife (detenue). Therefore, this Court is unable to find that it is a case of illegal detention.

4. Therefore, this Habeas Corpus Petition is closed with the following directions :

- i. The respondents 1 and 2 are directed to produce the detenue, as and when she is secured, before the jurisdictional Magistrate, i.e., Judicial Magistrate No.II, Poonamallee, within a period of four weeks from the date of this order, with prior intimation to the petitioner.
- ii. The learned Judicial Magistrate is requested to record statements of detenue and all concerned in accordance with law.
- iii. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner, 3rd respondent or anyone concerned for the detenue are preserved and left open for being raised in collateral or similar proceedings (if any), as this Habeas Corpus Petition is being disposed of in the Admission



H.C.P.No.2175 of 2023

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Board, more so when 3rd respondent is not before us. If there are any connected/collateral proceedings, such Court/s/Forum/Fora/ Authority/Authorities shall deal with the same on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure to this Habeas Corpus Petition on hand.

iv. Further, we make it clear that it is open to the petitioner or anyone concerned for the detinue to come back to this Court, not only with a similar but even same prayer, if the need arises. All the rights of all concerned are preserved.

(S.S.S.R., J.) (S.M., J.)
08.11.2023

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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