



WEB COPY



HCP.No.1682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

H.C.P.No.1682 of 2024

Thulasi

... Petitioner

Vs.

1. The Commissioner Of Police
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

2. The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai - 600 087.

3. Bharath Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 1st and the 2nd respondents to produce the petitioner's husband S.Gopalakrishnan, aged about 77 years before this Court from the custody of the 3rd respondent and set him at liberty.

For Petitioner	: Mr.Ralph V.Manohar
For Respondents	: Mr.E.Raj Thilak
	Additional Public Prosecutor



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ORDER

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

The present Habeas Corpus Petition has been instituted to direct the respondents 1 & 2 to produce the petitioner's husband S.Gopalakrishnan, aged about 77 years.

2.The learned counsel for the petitioner would submit that the husband of the petitioner Mr.S.Gopalakrishnan, had illicit relationship with another woman during the year 1980 and the petitioner filed a petition before the Family Court and obtained an order of judicial separation under Section 10 of the Hindu Marriage Act. Admittedly, the petitioner is not living along with her husband S.Gopalakrishnan for the past about 44 years. As per the status report of the police, the detenu went to Gujarat and is living with his second wife. The police in their status report has stated as follows:

4.It is submitted that the then Inspector of Police have examined the following witnesses and recorded their statements.

(i) Tmt.Thulasi – Defacto complainant.

(ii) Tr.Bharath Son of the Complainant

(iii) Tmt.Gejalakshmi – Daughter of the



WEB COPY



HCP.No.1682 of 2024

complainant

(iv) Tr.Thaniga – other witness

(v) Tmt.Monisha – other witness

5.It is submitted that during the course of investigation, based on the statement of detenu S.Gopalakrishnan's son, it which reveals that the petitioner and her husband got divorce from the concerned court. Due to property dispute, the petitioner filed a various petitions before the concerned court. Hence, the detenu went to Gujarat and he contact only with his second wife's son and daughter through phone. The detenu was working as an Oil Purification Engineer at Kurch, Gujarat State. In the year of 2019, the detenu came to his daughter's house at Hyderabad and then he left to Gujarat and thereafter the whereabouts of detenu is not known.

3.The learned counsel for the petitioner would submit that the husband of the petitioner is residing along with his son born through his second wife.

4.The petitioner is at liberty to provide information to the police and on receipt of any such information, police may verify the same and if the husband of



HCP.No.1682 of 2024

the petitioner is identified, then the same may be intimated to the petitioner enabling her to contact her husband. Contrarily, roving enquiry cannot be conducted by this Court by keeping the Habeas Corpus Petition pending. Petitioner is not living with her husband for about 44 years. She secured an order of judicial separation from the competent Court of law. Under these circumstances, we are not inclined to keep the Habeas Corpus Petition pending. Moreso, the petitioner has already instituted a civil suit in O.S.No.1234 of 2010, on the file of the Second Assistant, City Civil Court, Chennai. A property dispute also exist between the petitioner and her husband. That being so, the petitioner can seek redressal of her grievances in the manner known to law and by approaching the competent Court.

5. With these observations, the Habeas Corpus Petition stands disposed of.

[S.M.S., J.]

[R.S.V., J.]

23.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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