



WEB COPY



HCP.No.1925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1925 of 2024

S.Chakkarapani

... Petitioner

Vs.

1.Deputy Superintendent of Police,
Vellore District,
Tamil Nadu.

2.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
(Crime No.197/2004)

3.Anilkumar
S/o.Sugumaran,
No.31/6, Chetty Street,
Poonamallee, Chennai 600 056.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's wife Ranjitha aged 23 years, wife of Chakkarapani and petitioner's younger son Sudharshan, aged 1 ½ years, son of Chakkarapani both are presently under illegal custody of third respondent/accused set at liberty in Crime No.197/2024 on the file of the Inspector of Police, K.V.Kuppam Police Station, Vellore District, or body before this Court and thereafter order to hand over to the petitioner, who is natural guardian of the Victim Ranjitha aged 23 years and Sudharshan, aged 1 ½ years.



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

ORDER

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

The Writ Habeas Corpus petition has been instituted to direct the respondents to produce the petitioner's wife Ranjitha, age about 23 years, wife of S.Chakkarapani and the petitioner's younger son Sudharshan, aged about 1½ years, son of S.Chakkarapani.

2.The learned counsel for the petitioner would submit that the wife of the petitioner along with his child are under the illegal custody of the third respondent. Therefore, suitable directions have to be issued to the Police to secure the detenue along with the child.

3.The learned Additional Public Prosecutor would oppose by stating that it is not the first instance where the wife of the petitioner is leaving the matrimonial home along with the child. On an earlier occasion also she left the matrimonial home and was residing somewhere and the case registered was closed.



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4. When she is having the habit of leaving the matrimonial home, the present Habeas Corpus Petition deserves no merit consideration. The Court cannot in such circumstances issue a direction. It is the personal liberty of a citizen under Article 21 of the Constitution of India to lead a choice of their life. The Court cannot be an advisory body to preach morality to a citizen when the Constitution provides liberty to life and take decisions about the life which they should lead. When the detainee has voluntarily left the matrimonial home along with the child, the present Habeas Corpus Petition deserves no merit consideration since the petitioner could not able to establish that his wife and child are under illegal detention.

5. Accordingly, this Habeas Corpus Petition stands **dismissed**.

[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

S.M.SUBRAMANIAM, J.
AND



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V.SIVAGNANAM, J.

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To

1.The Deputy Superintendent of Police,
Vellore District,
Tamil Nadu.

2.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.
(Crime No.197/2004)

3.The Public Prosecutor,
Madras High Court.

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