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HCP.No.2867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2867 of 2024

Dr. Krispu Jebharaj

... Petitioner

Vs

1. The Superintendent of Police,
District Police Office,
Erode.
- 2 The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.
- 3 Amutha
- 4 Narpavi

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the petitioner, W/o. Sowndarya, age 29 years and his daughter, 3 months baby from the illegal custody of respondents 3 and 4 before this Court and set them at liberty.



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For Petitioner : Mr. P. Murali
For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor
for R1 & R2
: Mr. Navas shareet,
for R4

ORDER

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

The writ of Habeas Corpus Petition has been instituted to produce the wife of the petitioner, Mrs.Sowndarya, aged about 29 years and their daughter, aged about 3 months.

2. When the matter is taken up for hearing, the detenu, Mrs.Sowndarya, along with her mother Mrs. Amutha and 3 months old baby, appeared before this Court through video conferencing.

3. The detenu spontaneously said that she is not under the illegal detention and presently, she is living along with her mother and taking care of 3 months old child. The detenu is raising several allegations against the petitioner, who is her husband.



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4. The 4th respondent, Ms.Narpavi, is also present before this Court in person. She is a practicing lawyer at Madurai. She has also stated that her elder sister/detenu was facing several harassment from the hands of the petitioner and she herself chosen to join with her mother at Sathyamangalam and now she is peacefully living with her mother and taking care of 3 months old child.

5. The petitioner is also present before this Court in person. The petitioner is a physiotherapist Doctor. He is practicing physiotherapist at Madurai. The petitioner states that he is willing to resume the matrimonial home and to live with his wife and 3 months old daughter. He raises allegations against the family members of his wife.

6. We have gone through certain allegations raised by the detenu in the form of a complaint, which all are undoubtedly serious in nature. On account of such serious allegations, complaints are filed and the detenu has chosen to live separately along with her mother. Therefore, the detenu is not under illegal detention and the statement of the petitioner for resumption of matrimonial home is to be attempted only through competent Court of Law. The petitioner should not



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interfere with the peaceful living of the detenu and the 3 months old child and in the event of any grievance exist for him, he is at liberty to approach the competent Court of law by following the due process.

7. The 4th respondent appearing in person also made a submission that the petitioner is interfering unnecessarily with her practice as lawyer at Madurai.

8. It is made clear that the petitioner shall not interfere with the activities and life of the 4th respondent and if at all any such interference is made, the 4th respondent is at liberty to approach the jurisdictional police for initiation of all appropriate actions.

9. With these liberties, the Habeas Corpus Petition stands dismissed.

[S.M.S., J.]

[M.J.R., J.]

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

mrp



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To

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High Court, Madras.



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