



H.C.P.No.613 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.613 of 2025

V.Pandithurai

... Petitioner

Vs.

1.State rep. by
The Superintendent of Police
Salem, Salem District

2.State rep by
The Inspector of Police
All Women Police Station
Athur, Salem

3.Venkatesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of petitioner's wife namely Sathya, W/o.V.Pandithurai, aged about 37 years, before this Court and set her at liberty.



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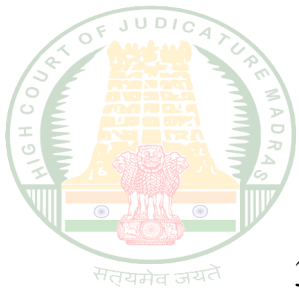
For Petitioner : Mr.P.Mohanraj
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvestor John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

Admittedly and from the averments made in the affidavit filed in support of the above Habeas Corpus Petition, the petitioner's wife had eloped with the 3rd respondent. The affidavit does not disclose any averment that the petitioner's wife is in illegal and unlawful custody of any third party. We are unable to appreciate as to how the petitioner can seek for issuance of Writ of Habeas Corpus in such circumstances.

2.This apart, the learned Additional Public Prosecutor on instructions submitted that the petitioner's wife had appeared before the concerned jurisdictional police and had given a statement that she had voluntarily left the petitioner, since he was jobless and has been harassing her to lend money for meeting his drinking habits. He also has stated that she has no intention of living with the petitioner.



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3.In the background of these facts, no cause of action arises for issuance of Writ of Habeas Corpus, and we are of the view that the present petition is an abuse of process of law and inclined to dismiss the same with cost.

4.In the result, the Habeas Corpus Petition stands dismissed, with a direction to the petitioner to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Tamilnadu State Legal Services Authority, High Court of Madras, Chennai. No costs.

Post the matter on 23.04.2025 for recording compliance.

[M.S.R, J.]

[N.S, J.]

02.04.2025

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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To

1.The Superintendent of Police
Salem, Salem District

2.The Inspector of Police
All Women Police Station
Athur, Salem

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

4.Tamil Nadu State Legal Services Authority
High Court of Madras
Chennai

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