



WEB COPY



H.C.P.No.1858 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTAR

H.C.P.No.1858 of 2025

Tmt.R.Thenmozhi

... Petitioner

-VS-

1. The Commissioner of Police,
Greater Chennai Police,
Greater Chennai Police Commissioner's Office,
Vepery, Chennai-600 007.

2. Inspector of Police,
W-24, Teynampet All Women Police Station,
Royapettah, Chennai-600 014

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 2nd respondent to trace out petitioner's husband Mr.Sudhakar, S/o.Alaguvel and produce him before this Court and set him at liberty.

For Petitioner : Mr.T.K.S.Gandhi

For R1 & R2 : Mr.A.Gokulakrishnan
Addl. Public Prosecutor

ORDER



H.C.P.No.1858 of 2025

WEB COPY

(By J.Nisha Banu,J.)

This petition has been filed for a direction to the 2nd respondent to trace out petitioner's husband Mr.Sudhakar, S/o.Alaguvel and produce him before this Court and set him at liberty.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the petitioner married the detenue in the year 2006 and due to difference of opinion, the detenue / husband filed H.M.O.P.No.2346 of 2008 before the Principal Family Court, Chennai for divorce, whereas the petitioner filed O.P.No.1105 of 2009 for restitution of conjugal rights. The petition filed by the detenue was dismissed and thereby, the petition for conjugal rights was allowed. The petitioner also filed a petition in M.C.No.119 of 2009, claiming maintenance and the same was ordered in favour of the petitioner. After the maintenance order, the detenue was found missing and his whereabouts are not known to the petitioner and hence, she is before this Court.

3. A reading of the averments made in the petition would



H.C.P.No.1858 of 2025

unfold that the petitioner has invoked the wrong provisions of law, as it is not her case that someone has illegally detained her husband and deprived her in claiming maintenance from her husband. Therefore, the question of illegal detention does not arise at all in this case. The petitioner has already obtained two orders in her favour, namely, restitution of conjugal rights and the maintenance order. If at all the maintenance amount is not paid by her husband, the remedy lies to the petitioner to file an Execution Petition before the concerned Court. Invoking the Writ jurisdiction of this Court is not the appropriate remedy for the petitioner.

4. In view of the above, finding no substance in the argument of the petitioner, the present Habeas Corpus Petition is dismissed *in limine*. It is open to the petitioner to work out her remedy before the appropriate Forum by filing Execution Petition in the manner known to law. No costs.

(J.N.B.J.) (S.S.J.)
19.09.2025

Index: Yes / No
Internet: Yes / No
ar

J.NISHA BANU, J.
AND



WEB COPY



H.C.P.No.1858 of 2025

S.SOUNTHAR, J.
ar

To:

1. The Commissioner of Police,
Greater Chennai Police,
Greater Chennai Police Commissioner's Office,
Vepery, Chennai-600 007.
2. Inspector of Police,
W-24, Teynampet All Women Police Station,
Royapettah, Chennai-600 014
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1858 of 2025

19.09.2025