



WEB COPY



H.C.P.No.1854 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.SOUNTHAR

H.C.P.No.1854 of 2025

K.Sivakumar

... Petitioner

-VS-

State Rep.

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Thiruvannamalai, Thiruvannamalai District.

2. Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

3. A.Manimaran

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the petitioner's wife S.Kavitha (aged about 30 years) before this Court from the illegal custody of the 3rd respondent and hand over to the petitioner and set her at liberty.

For Petitioner : M/s.R.Hemalatha

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



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ORDER

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(By J.Nisha Banu,J.)

This petition has been filed for a direction to the respondents 1 & 2 to produce the petitioner's wife S.Kavitha (aged about 30 years) before this Court from the illegal custody of the 3rd respondent and hand over to the petitioner and set her at liberty.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the wife of the petitioner, namely, S.Kavitha left the matrimonial home on 04.08.2025 and pursuant to the complaint made by the petitioner, a case in Crime No.336 of 2025 was registered by the 2nd respondent under 'woman missing'. It was further represented that while leaving home, his wife carried all her jewels with her, leaving the petitioner and his children at lurch. Suspecting that she may be kept under illegal custody of the 3rd respondent, the present petition has been filed for production of his wife before this Court.

3. A reading of the averments made in the petition would disclose that the wife of the petitioner is aged 30 years and she left the matrimonial home on her own accord and there is no specific overact



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attributed to the 3rd respondent that he had kidnapped his wife by coercion even in the complaint lodged before the Police. Therefore, the question of illegal detention does not arise at all and the present petition is not maintainable.

4. 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 his remedy before the appropriate Forum in the manner known to law. No costs.

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

Index: Yes / No
Internet: Yes / No
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To:

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Thiruvannamalai, Thiruvannamalai District.
2. Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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