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H.C.P.No. 339 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2026

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THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No. 339 of 2026

R.Sabarinathan

S/o.Ravichandran

..Petitioner(s)

Vs

1. The Superintendent of Police,
Office of Superintendent of Police,
Chengalpattu District.
2. State of Tamil Nadu, rep.by
The Inspector of Police,
T-9, Maraimalainagar Police Station,
Chengalpattu District.
3. Chakravarthy



4. Babu

5. Ganavel

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..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the 2nd respondent to produce the petitioner's wife namely Poogodhai, aged about 26 years and minor children's named Nivedha Sri, aged about 3 1/2 years and Diya Sri, aged about 1 1/2 years before this Court and set them at liberty.

For Petitioner(s): Mr.K.Kathiresan

For Respondent(s): Mr.A.Damodaran

Additional Public Prosecutor

assisted by Mr.M.Karthikeyan

ORDER

(Order of the Court was made by P.Velmurugan, J.)

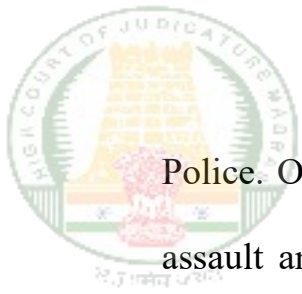
This Writ of Habeas Corpus Petition has been filed seeking a direction to the second respondent-Police to produce the petitioner's wife namely Poongodhai, aged about 26 years and minor children's viz., Nivedha Sri, aged about 3 1/2 years and Diya Sri, aged about 1 1/2 years before this Court and set them at liberty.

2. Heard both sides and perused the materials available on record.



3. The petitioner and his spouse are visually impaired persons. They were residing together along with their two minor daughters. On 01.02.2026 at around 4 p.m., the petitioner found that his wife and two children were missing from their residence. Despite his diligent efforts to trace them, their whereabouts remain unknown. Hence, the petitioner lodged a complaint before the second respondent-Police on 03.02.2026. Based on the complaint, a case in Crime No.53 of 2026 was registered under the categories of “Woman Missing” and “Girl Missing”. Subsequently, it came to the knowledge of the petitioner that the third respondent namely Chakravarthy, in connivance with respondents 4 and 5, namely Babu and Ganavel, had allegedly kidnapped his wife and two minor children. The petitioner apprehends that respondents 3 to 5 may have caused physical harm or pose a grave threat to the lives and safety of his family members. Hence, the petitioner sent a representation dated 09.02.2026 to the Tamil Nadu Chief Minister’s Helpline Cell, the Commissionerate for Welfare of the Differently Abled, the District Collector of Chengalpattu and respondents 1 and 2 herein. However, as no effective steps have been taken by the authorities concerned to trace the missing persons, the present petition has been filed.

4. The learned Additional Public Prosecutor appearing for the respondents-Police submitted that pursuant to the investigation in Crime No.53 of 2026, the alleged detainee (wife) appeared before the second respondent-



Police. On enquiry, she stated that the petitioner had subjected her to physical assault and persistent mental harassment by making unfounded allegations of 'illegal intimacy' with their neighbours. The detinue further stated that owing to the said continuous harassment, she had taken a decision to leave the matrimonial home of her own accord. She confirmed that she is currently residing safely at her parental home along with her two minor children.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Additional Public Prosecutor appearing for the respondents-Police, this Court is of the view that the alleged detenuess (the petitioner's wife and two minor children) are not in any illegal custody. On the contrary, the statement given by the wife reveals that she had left the matrimonial home on her own volition on account of physical and mental harassment allegedly meted out to her by the petitioner, including baseless aspersions cast upon her character and is presently residing with her parents along with the minor children.

6. It is well settled that a Writ of Habeas Corpus is maintainable only in cases of illegal detention. When a major person has voluntarily left the matrimonial home owing to matrimonial discord and is residing with her



parents, the question of illegal detention does not arise. In the absence of any material to establish unlawful custody of the detainee at the hands of the third-party respondents, this Court finds no grounds to entertain the present petition under the extraordinary jurisdiction of Article 226 of Constitution of India. Hence, the present petition is liable to be dismissed.

7. Accordingly, this Habeas Corpus Petition is dismissed. However, it is open to the petitioner to work out his remedy before the appropriate forum for seeking restitution of conjugal rights or visitation rights in accordance with the law, if he so desires.

(P.V.,J.) (M.J.R.,J.)

24.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Superintendent of Police,
Office of Superintendent of Police,
Chengalpattu District.

2. The Inspector of Police,
T-9, Maraimalainagar Police Station,
Chengalpattu District.

3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.
AND
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