APHC010198452026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3558]**
(Special Original Jurisdiction)

WEDNESDAY,THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10043/2026

Between:

1. MADDALA RAJU, S/O RATNA BABU AGED ABOUT 32 YEARS, R/O. D.NO. 6-28, RIVAS CANAL BUND,RAMAVARAMPADU, VIJAYAWADA(RURAL), NTR DISTRICT, ANDHRA PRADESH-521108

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, GUNTUR, AMARAVATHI-522237.
2. THE DIRECTOR GENERAL OF POLICE, DGP OFFICE, MANGALAGIRI GUNTUR BY PASS MANGALAGIRI, ANDHRA PRADESH, AMARAVATHI-522503.
3. THE COMMISSIONER OF POLICE, VIJAYAWADA CITY, NTR DISTRICT, ANDHRA PRADESH-520002.
4. THE STATION HOUSE OFFICER, PATAMATA POLICE STATION, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADSEH-520007
5. THE STATION HOUSE OFFICER, BANDAR TALUKA POLICE STATION, MACHILIPATNAM, KRISHNA DISTRICT, ANDHRA PRADSEH-521001

6. DEBARKI RAMANA, S/O NOT KNOW TO THE PETITIONER, AGED ABOUT 55 YEARS, D. NO 9-143-134-8-9/143, BALARAMUNI PETA, MACHILIPATNAM, KRISHNA DISTRICT, ANDHRA PRADESH-521001.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased tomay be pleased to issue an order, writ or direction, more particularly one in the nature of Writ of Habeaus Corpus directing the respondents more particularly respondents no. 1 to 5 to produce the detenues viz Maddala Durga Bhavani aged about 26 years and Maddala Abhi Raj aged about 1 Year, before this Honble Court and for other incidental relief and be pleased to pass such

Counsel for the Petitioner:

1. CHALLA AJAY KUMAR

Counsel for the Respondent(S):

1. THE ADVOCATE GENERAL

The Court made the following:

ORDER:- ***(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)***

This writ petition for Habeas Corpus under Article 226 of the Constitution of India is filed seeking direction to official respondents 1 to 5 to produce the corpus by name Maddala Durga Bhavani, who is the wife of the petitioner, who is a major and her minor son Maddala Abhi Raj, aged about one year, before the Court and then to pass appropriate orders as deemed fit in the facts and circumstances of the case.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader attached to the office of learned Advocate General for official respondents 1 to 5.

The 6th respondent is also voluntarily present before the Court and heard him.

3. It is the case of the petitioner that the corpus is his legally wedded wife and a male child by name Abhi Raj, aged about one year was born to them during their lawful wedlock and when the petitioner and the corpus are living together, that the 6th respondent, who is the father of the corpus, came to their house and has forcibly taken away the corpus from the custody of the petitioner, who is her husband and illegally confined her and detained her in their house. It is stated that he lodged a report with the 5th respondent-Station House Officer of Bandar Taluka Police Station on 09.04.2026 and that they did not take any action on the report lodged by him. Therefore, the instant writ petition has been filed seeking the aforesaid relief.

4. On 22.04.2026, when the writ petition came up for admission, while ordering notice to the unofficial respondent No.6 and granting time to the learned Assistant Government Pleader, who has taken notice for official respondents 1 to 5 to seek instructions, we have directed the 5th respondent-

Station House Officer of Bandar Taluka Police Station to produce the corpus along with her minor son by name Abhi Raj, before this Court today.

5. Accordingly, the 5th respondent - Station House Officer of Bandar Taluka Police Station has produced the corpus, who is a major along with her minor son, before the Court. We had an interaction with the corpus in isolation in our Chambers. She has stated that the 6th respondent, who is her father, did not take her away by force from the house of the petitioner and he did not illegally detain her or confine her in his house. She further stated that the petitioner, who is her husband, harassed her demanding dowry from her and necked out her from the house and in the said circumstances, she voluntarily went away to her parents' house and residing in the house of the 6th respondent, who is her father.

6. Thereafter, we have called the petitioner into the Chamber and interacted with him. He stated that he never harassed the corpus for dowry as alleged by her and it is a false allegation. He further stated that the 6th respondent, who is the father of the corpus, came to his house and took away the corpus from his custody and illegally confined her in the house of the 6th respondent.

7. Thus, allegation and counter allegations are made against each other by the petitioner and the corpus, who are the wife and husband. To a pointed question, as to with whom she intends to reside and stay at present, the corpus has stated that at present she intends to reside with her father, who is the 6th respondent and stay with him in his house. As the corpus is a major, aged about more than 23 years, she got right to choose with whom she intends to stay and live. As she has expressed her intention to stay with the 6th respondent in his house, there was no other option except to allow her to accompany him and to stay with him. If the petitioner got any grievance relating to his matrimonial rights, he can pursue his lawful remedy before the appropriate forum, according to law. It is made clear we are not giving any finding relating to the allegations and

counter allegations made against each other during our interaction in this writ petition.

8. Therefore, as it is not found that the corpus is illegally confined or detained by the 6th respondent, which is an essential requirement for maintaining a writ for Habeas Corpus, we do not find any merit in this writ petition to entertain the same.

9. Resultantly, the Writ Petition is disposed of with a direction to the petitioner to pursue his lawful remedy relating to his matrimonial rights before the appropriate forum. The corpus is permitted to accompany her father as per her wish expressed before us. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

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JUSTICE CHEEKATI MANAVENDRANATH ROY

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JUSTICE TUHIN KUMAR GEDELA

Date: 06.05.2026

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10043/2026

Date: 06.05.2026

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