



IN THE HIGH COURT OF ORISSA AT CUTTACK
WPCRL No.64 of 2025

.... ***Petitioner***
Mr.Manish Nag Das, Advocate,
Proxy counsel for Mr.Ramesh Agarwal, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr.Debasish Tripathy, AGA

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR.JUSTICE MURAHARI SRI RAMAN
ORDER
10.07.2025

Order No.

01.

This matter is taken up through hybrid mode.

- 2.** It is a classical example of misuse and abuse of concept of *habeas corpus*. The petitioner is well aware that his wife has left the matrimonial home for the reasons known both to the petitioner and his wife, but has come up with the instant writ petition inviting the Court to exercise of power to issue the writ of *habeas corpus* to settle the personal score. The averments made in the instant writ petition do not inculcate any sense of wrongful detention of the wife and the child by the opposite party No.4, who is admittedly the brother of the wife.
- 3.** A copy of the complaint dated 30th April, 2025 is annexed as Annexure-4 in the instant writ petition on the allegation that the police authorities refused to accept the said complaint. But we do not find any further steps have been taken



by the petitioner securing the receipt of the said complaint by the police authorities. The meaningful reading of the averments made in the instant writ petition does not instill confidence in us that the petitioner is a truthful and/or trustworthy litigant. The Court shall not permit such recalcitrant litigant to abuse or misuse the process concerning the *habeas corpus* nor should permit any litigant to steal-a-march over the statutory provisions.

4. We, thus, do not believe the stand of the petitioner that he has ever approached the police authorities for lodging a complaint and the aforesaid Annexure-4 has been prepared and has been shown the light of the day for the purpose of filing the instant writ petition.

5. The State hands over the instructions received from the IIC, Chhend Police Station, Rourkela, District:Sundargarh, wherein it is indicated that after receiving copy of the instant writ petition, they contacted the wife and the minor child, where the wife is reported to have been living with her parents. Obviously there is a disharmony in the matrimonial relationship and the recourse to a writ of *habeas corpus* is resorted to settle such personal dispute. The husband cannot compel the wife to act as per his dictum nor can he treat the wife as his commodity. The fundamental right which is conferred upon every individual irrespective of the gender cannot be treated as one way traffic by a particular gender. The wife has a right to take an independent decision of her life and if she has chosen to dissociate her company from the husband, the husband cannot be permitted to abuse or misuse the power of the Court in issuing the writ of



habeas corpus. The application is misconceived which contained frivolous allegations, and therefore, deserves not only to be dismissed but a stringent condition to be imposed in the form of cost.

6. The writ petition is dismissed with cost of Rs.25,000/- (Rupees twenty five thousand) to be deposited with the Odisha State Legal Services Authority, within a period of two weeks from date. In the event of such deposit, the State Odisha Legal Services Authority shall utilize the said amount for the welfare of the street children. In default, it is open for the State Legal Services Authority to recover the said amount as permissible in law.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

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