



IN THE HIGH COURT OF ORISSA AT CUTTACK
WPCRL No.71 of 2026

Shri Lambodar Patra *Petitioner*
Mr.Subhransu Bhusan Mohanty, Advocate

-versus-

State of Odisha and others *Opposite Parties*

Mr.Debashis Tripathy, Addl. Government Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE MURAHARI SRI RAMAN

ORDER

22.06.2026

Order No.

02.

1. A recent trend has developed in filing frequent writ petitions in the nature of *habeas corpus* to settle the personal score or to use the Court as a tool to pressurize the other side so that he/she may succumb to the aspiration of the litigant.
2. It is one of the classical example where the husband has approached this Court to pressurize the wife who left home voluntarily because of the disharmony in the matrimonial relationship. Though the genuinity and/or authenticity of Annexure-6 to the instant writ petition has not been ascertained, yet we proceeded on the basis thereof treating the same to be true and correct as the author of the said document is the petitioner himself.
3. It is categorically averred in the said document that the petitioner went to the house of another person whom he categorized as an accused person committing an offence of kidnapping and attempted to pacify their matrimonial dispute by requesting the wife to come back to the matrimonial house but she refused to such proposal.



4. Having said so, we fathom to understand whether it would constitute an offence of kidnapping. Obviously, the wife is a major and capable of taking decision of her life and cannot be treated as a chattel in the hands of her husband. If she has decided to live apart for the alleged torture having perpetrated upon her, this forum cannot be used to secure her presence before this Court and/or in the matrimonial house. The moment the discordant relationship between the husband and wife grows, the allegation and the counter allegation started pouring and in a recent time the writ in the nature of *habeas corpus* is filed which cannot be said to be a genuine attempt but a device to settle the personal score. The wife has voluntarily left the matrimonial home which is also corroborated from the statement of the petitioner in Annexure-6, and, therefore, the petitioner has not come to the Court with the clean hand and rather created an illusory cause of action with the clever draftsmanship.
5. We, thus dismiss the writ petition with cost assessed at Rs.50,000/- to be deposited by the petitioner before the State Legal Services Authority within two weeks from date. In the event of such deposit, the said amount shall be kept in an Account earmarked for the Juveniles.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge