

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.06.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1012 of 2015

Bhuvaneswari Calambakkam

...Petitioner

-v-

1.State rep. by
Inspector of Police,
A.K.Police Station-Crime,
Chennai-600 040.

2.B.Nagendran

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the first respondent herein to produce the petitioner's daughter N.Ashwini, 24 years old, who is under the illegal custody of the second respondent herein and produce her before this Court and hand over custody to the petitioner.

For Petitioner : Mr.Auxilia Peter

For Respondents : Mr.A.N.Thambi Durai
Addl. Public Prosecutor for R1
Mr.P.Ravishankar Rao for R2

सत्यमेव जयते
O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

This petition has been filed under Article 226 of the Constitution of India, by the petitioner/mother of the detainee N.Ashwini, aged about 24 years, directing the first respondent to produce the petitioner's daughter, who is in the custody of the second respondent, none other than the father of the alleged detainee, before this Court and to set her at liberty.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public prosecutor appearing for the first

respondent.

3.The alleged detainee N.Ashwini is present before this Court along with her father-B.Nagendran and her husband-Mohan Prasad. On enquiry, the detainee told us that she is peacefully living with her father and husband and there is no illegal detention by anybody.

4.When there is no illegal detention, filing this type of petition would be construed as abuse of process of law. Hence, we are of the view that this Habeas Corpus Petition itself has to be dismissed as legally not sustainable and the same is accordingly dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police,
A.K.Police Station-Crime,
Chennai-600 040.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

1 CC to Mr.Ravishankar Rao, Advocate SR.No. 29747

सत्यमेव जयते

H.C.P. No.1012 of 2015

SV (CO)
PSI (01.07.2015)

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