

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.1018 of 2015

Naveen Kumar

... Petitioner

-v-

1.State by
The Inspector of Police,
Avinangudi Police Station,
Thittagudi Taluk
Cuddalore District.

2.D.Senthil Kumar

... 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 respondents to cause production of the body of the petitioner wife, Andal, W/o.Naveen Kumar, aged about 21 years, before this Court and to set her at liberty.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents: Mr.A.N.Thambi Durai
APP for R1
Mr.R.Prabhudoss for R2

O R D E R

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

Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for R1.

2.This petition has been filed by the petitioner/husband of the detainee, Andal, wife of Naveen Kumar, aged about 21 years, seeking for a direction to the respondents to cause production of his wife/the detainee, before this Court and to set her at liberty.

3.The detainee Andal is present before this Court. On enquiry, the detainee told us that there is no illegal detention of her by anybody and that she is residing with the second respondent, who is none other than father of the detainee and her mother are also present in the open Court. Due to family dispute, she went to her parental home. On the aforesaid circumstances, filing this type of petition arising

allegation that there is an illegal detention by the second respondent/father of the detainee, cannot be accepted. Hence, we are of the view that when there is no illegal detention by anybody, filing this type of petition would be construed as abuse of process of law and accordingly, this petition is dismissed. However, it is open to the petitioner to approach the appropriate forum seeking his remedy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Avinangudi Police Station,
Thittagudi Taluk
Cuddalore District.

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

+1cc to Mr.R. Thamaraiselvan, Advocate, S.R.No.29622

SR(CO)
EU(02/07/2015)

H.C.P. No.1018 of 2015

सत्यमेव जयते
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