

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.05.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE S.MANIKUMAR

H.C.P.No.1164/2015

R.Gopinath

.. Petitioner

vs.

1. The Inspector of Police,
All Women Police Station,
Nagapattinam & District.
2. The Inspector of Police,
Keezhiyur Police Station,
Nagapattinam & District.
3. Vijaya
4. P.Vembarasi
Sub-Inspector of Police,
All Women Police Station,
Nagapattinam District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the detenue Mrs.Ilakkiya, W/o.Gopinath, aged about 26 years, before this Court and set her at liberty forthwith and to direct the 1st and 2nd respondents to take appropriate necessary action to save the life of the petitioner and his wife in view of the judgment of the Hon'ble Apex Court reported in 2011 (6) SCC page 405, Arumugam Servai vs. State of TN and others.

For Petitioner .. Mr.P.Vijendran
For Respondents .. Mr.S.Shanmugavelayutham
Public Prosecutor for RR 1 & 2
* * * * *
O R D E R

[Order of the Court was made by S.TAMILVANAN, J.]

At the request of learned Public Prosecutor, the matter is taken up today.

2.The respondents produced the detainee, Ilakkiya, aged 26 years, wife of Gopinath, the petitioner herein. When we enquired, she has stated that she is not under illegal detention of anybody. Though she has admitted that the petitioner is her husband, she wants to go along with her brother and paternal uncle, who are present in the open Court.

3.Having recorded the statement of the alleged detainee, we are of the view that the Habeas Corpus Petition itself is not maintainable, as there is no illegal detention.

4.Accordingly, recording the statement made by the alleged detainee, a major, that she wants to go along with her brother and the paternal uncle and that she is not under illegal detention, the Habeas Corpus Petition is dismissed.

sra

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Nagapattinam & District.
2. The Inspector of Police,
Keezhiyur Police Station,
Nagapattinam & District.
3. The Public Prosecutor,
High Court, Madras.

vd(co)
prk28/5

WEB COPY

H.C.P.No.1164 /2015