

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2015

CORAM

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

H.C.P. No.1628 of 2015

S.Gnanapazham

... Petitioner

-vs-

1.The Superintendent of Police,
Salem District Police,
Salem District Police Office,
Neethimedu, Salem-636 002.

2.The Inspector of Police,
Poolampatti Police Station,
Edappady Taluk, Salem District.

3.Balakrishnan

... 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 second respondent to produce the body or person of B.Meena, aged about 19 years, the detainee, who is under the illegal custody of third respondent before this Court and to set her at liberty.

For Petitioner : Mr.T.R.Udayakumar

For Respondents : Mr.A.N.Thambi Durai
Additional Public Prosecutor
for R1 and R2

Mr.C.D.Johnson for R3

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O R D E R

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

This petition has been filed by the petitioner/husband of the detainee B.Meena, aged about 19 years, to cause production of his wife, before this Court and to set her at liberty.

2.The alleged detainee is secured and produced before this Court by the respondent police. The third respondent/father of the detainee is also before us.

3.On enquiry, the detainee told us that there is no illegal detention by anybody and she expressed her willingness to go along with her father, who is also present before us.

4.Learned counsel for the petitioner submits that the petitioner is the husband of the detainee.

5.On the aforesaid facts and circumstances, we need not go into the depth of the legality of the relationship of the petitioner with the detainee, as there is no illegal detention by anybody. Hence, we are of the view that this petition is liable to be dismissed as not maintainable. In the result, this petition is dismissed as not maintainable.

6.It is made clear that the petitioner is entitled to approach the proper forum seeking appropriate relief.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Superintendent of Police,
Salem District Police,
Salem District Police Office,
Neethimedu, Salem-636 002.

2.The Inspector of Police,
Poolampatti Police Station,
Edappady Taluk, Salem District.

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

+1cc to M/s.C.D.Johnson, Advocate, S.R.No.35239

H.C.P. No.1628 of 2015

RSK(CO)
CA(23/07/2015)