

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2015

CORAM

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

H.C.P. No.1644 of 2015

K.Muralikandhan

... Petitioner

-v-

1.The Inspector of Police,
Town Police Station,
Chidambaram
(C.S.R.No.184/2015)

2.G.Manoharan

... 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 to retrieve the petitioner's wife Nisha and daughter Vijayalakshmi (minor) aged about 7 years and produce them before this Court and to set her at liberty.

For Petitioner : Mr.E.Kotteeswaran

For Respondents: Mr.A.N.Thambi Durai
Addl. Public Prosecutor for R1
Mr.G.K.Ilampiraiyan for R2

सत्यमेव जयते
O R D E R

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

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent.

2.This petition has been filed by the petitioner/husband of the detainee Nisha-wife of the petitioner, to cause production of his wife along with his daughter Vijiyalakshmi, aged about 7 years, before this Court.

3.The alleged detainee Nisha along with her child is secured and produced before this Court by the respondent police.

4.On enquiry, the detenue Nisha stated that she is not willing to go along with her husband/the petitioner herein. When she is not willing to go along with her husband/the petitioner herein, we cannot compel her to go with the petitioner and similarly the female child is under the custody of the detenue, which cannot be construed as illegal detention.

5.On the aforesaid circumstances, we are of the view that the Habeas Corpus Petition itself is legally not sustainable and this Habeas Corpus Petition is ordered to be closed as nothing further remains to be considered. However, it is open to the petitioner to approach the appropriate forum seeking his remedy according to law.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
Town Police Station,
Chidambaram.

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

+1 cc to M/s.Sai Bharath & Ilan, Advocates, sr.37561
+1 cc to Mr.E.Kotteeswaran, Advocate, sr.38088.

lrs(co)
kra(05/08)

H.C.P. No.1644 of 2015

WEB COPY