

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.1684/2015

Usha Kumari

..Petitioner

Versus

1.The Inspector of Police
K6 Police Station,
No.121, Kilpauk Garden
T.P.Chatram Main Road
Jyothi Ammal Nagar,
Shenoy Nagar, Chennai 600 030.

2.Mr.M.Mariapragasam

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the 1st respondent to produce the petitioner's husband M.M.Clemant Joseph Raj before this Court and to set him free at liberty.

For Petitioner : Ms.V.Preetha
For R1 : Mr.A.N.Thambidurai
Addl. Public Prosecutor
For R2 : Mr.S.Rajendra Kumar

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/wife of the detenu, to cause production of her husband, M.M.Clemant Joseph Raj, aged about 34 years, who is said to be in the illegal custody of the 2nd respondent herein, before this Court and to set him at liberty.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. Even according to the petitioner, there were matrimonial proceedings pending before the First Additional Family Court in O.P.No.3367 of 2009 and they agreed to live together and the petition was closed on 25.01.2012. Thereafter, they got estranged and they are living separately now. The petitioner has also lodged a complaint against her husband, based on which a case in C.C.No.2 of 2012 under Section 498A IPC is pending before the learned V Metropolitan Magistrate, Egmore and warrant is pending against her husband for his appearance.

4. Under such circumstances, this Court is of the view that this is not a case of illegal detention warranting issuance of Writ of Habeas Corpus and the same is closed with liberty to the petitioner to workout her remedy in the manner known to law.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gms

To

1. The Inspector of Police
K6 Police Station,
No.121, Kilpauk Garden
T.P.Chatram Main Road
Jyothi Ammal Nagar,
Shenoy Nagar, Chennai 600 030.

2. The Public Prosecutor
High Court, Chennai.

+1 CC to MR.S.Rajendra Kumar Advocate. SR.NO. 61911
+1 CC to Ms.V.Preetha Advocate. SR.NO. 62053

CO-AD
JD 07/12/2015

HCP.No.1684/2015

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