

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P.No.1715 of 2015

N.Suresh

Petitioner/Husband of the
detenue

vs.

State rep by
The Inspector of Police
V-1, Villivakkam Police Station
Villivakkam, Chennai 49.

Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondent to produce the person or body of the petitioner's wife Prashanthi and his daughter Shruthi before this Court and set them at liberty.

For Petitioner Mr.M.Gnanasekar
For Respondent Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondent to produce the person or body of the petitioner's wife Prashanthi and his daughter Shruthi before this Court and set them at liberty.

2. It is the case of the petitioner that his wife, Prashanthi went missing with her daughter Shruthi, in connection with which a case in V-1, Villivakkam Police Station Cr.No.630 of 2015 for "woman and child missing" has been registered on 22.04.2015 and investigation is in progress. The respondent police have a filed Status Report, wherein they have stated as follows:

"4. I submit that during the course of the investigation on the same day, I have examined the following witnesses and recorded their 161(3) statements:

- (1) Suresh - Petitioner
- (2) Lakshmi - Mother of the petitioner
- (3) Rajini - Mother of the detenue

Witness 1 (i.e. the petitioner) stated that he came to know from the nearby residents that the detenue had illegal affair with one muslim boy and the petitioner also stated that during 2014, the detenue had left the house and back to house after 2 weeks, and the same was questioned with the detenue, for which the detenue replied that she went to her friend house. Further the petitioner also stated that detenue had always quarrelsome with him and not interested in the matrimonial life.

Witness 2 i.e. petitioner's mother corroborated the same version of the petitioner and stated that the detenue dislike the petitioner and for name sake they lived as a husband and wife.

Witness 3 i.e. Detenue's mother, who is a own sister of the petitioner also corroborated the same version of petitioner and his mother."

From the above it appears that the petitioner's wife and child are not in the illegal detention of anyone and that she has left the home on account of matrimonial discord. Accordingly, this petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.630 of 2015 and keep the petitioner informed of the developments, if any.

WEB COPY
-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

gms

To

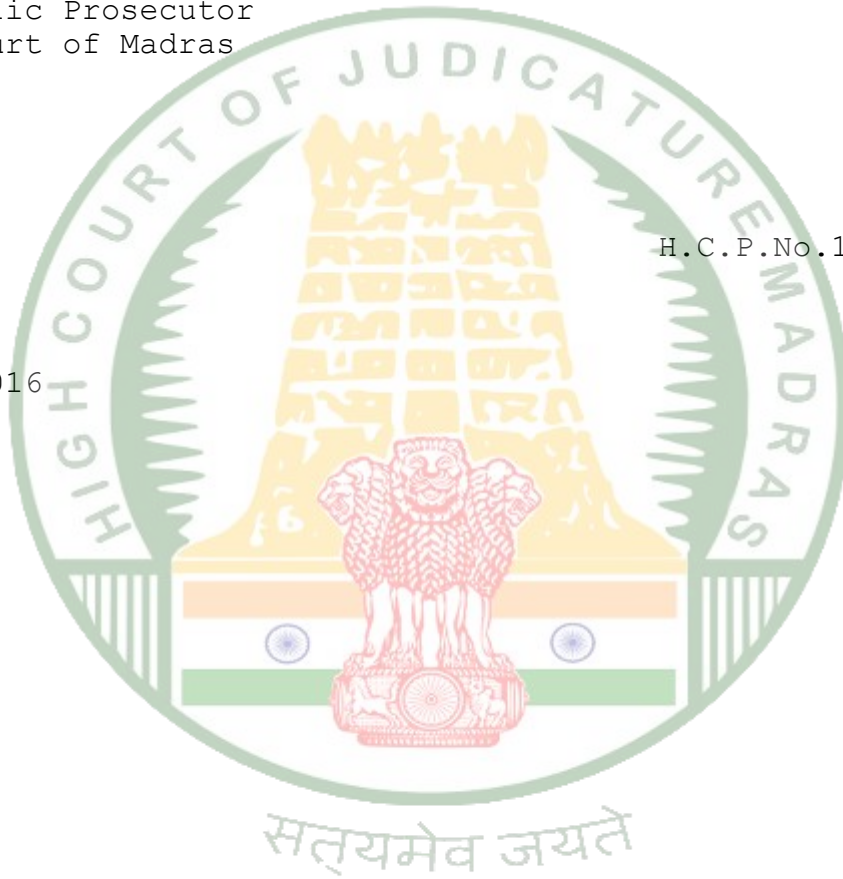
1.The Inspector of Police,
V-1, Villivakkam Police Station,
Villivakkam Chennai-49

2.The Public Prosecutor
High Court of Madras
Chennai.

3.The Public Prosecutor
High Court of Madras
Chennai.

H.C.P.No.1715 of 2015

gj (co)
aa29/01/2016



WEB COPY