

In the High Court of Judicature at Madras
Dated: 08.12.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.1796 of 2015

S.Mahimairaj Petitioner

Vs.

1. State by
Inspector of Police
Thalambur Police Station,
Thazhambur, Chennai.

2. Mr.Wilson Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first respondent to produce the body of the petitioner's wife, namely, Mrs.Esther, aged about 31 years, before this Court and set her at liberty.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.V.M.R.Rajendran
Addl. Public Prosecutor (Crl.Side)

O R D E R

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

This Habeas Corpus Petition is filed by the husband of the detinue, Esther for a direction to the respondents to produce the detinue before this Court and set her at liberty.

2. It is the case of the petitioner that his wife Esther, aged 31 years and his two children went missing, in connection with which, a case in Crime No.271 of 2015 has been registered by the first respondent police for woman and child missing on 19.7.2015 and investigation is in progress. The petitioner alleged that his wife has taken away a sum of Rs.8.5 lakhs.

3. The first respondent police has filed a status report dated 06.11.2015, wherein, it has been narrated as follows:

"3. I submit that 19.07.2015 and subsequent days, I have examined the following witnesses, namely,

- 1) Tr.Mahimairaj - complainant
- 2) Tmt.F.C.Mala, Medavakkam, Chennai - sister of the detenue - Esthar,
- 3) Tmt.Prema, Thoothukudi - mother of the detenue
- 4) Tr.Povas - Neighbor of the complainant/petitioner,
- 5) Tr.Manicksha - Neighbour of the complainant/petitioner,
- 6) Tr.Ganesan - husband of F.C.Mala/Brother-in-law of the detenue - Esthar,
- 7) Tr.Pacchaiperumal, Thoothukudi - father of the detenue Esthar,
- 8) Tr.Jebakumar, Thoothukudi - brother of the detenue,
- 9) Tr.Victor - Brother-in-law of the detenue - Esthar,
- 10) Tr.Wilson - Family friend of the detenue - Esthar & F.C.Mala/2nd respondent herein and recorded their statements.

4. I submit that during the course of the investigation, I have sent the complete details of the missing woman/detenue - Esthar, Children Jesy and Jency along with their photos to the District Crime Records Bureau, Kancheepuram and neighbouring Police Stations; further, pasted and distributed pamphlets containing the details of the detenues No.1 to 3 along with photos to all important places where people gather.

5. I submit that I have collected the call details of the detenue Esthar, the detenue's sister Tmt.F.C.Mala, the detenue's mother Tmt.Prema, the detenue's father Tr.Pacchaiperumal and Tr.Wilson [2nd respondent herein]. It reveals that the detenue contacted to the above said persons after missing dated i.e.15.07.2015."

4. Even according to the petitioner, the petitioner had given a sum of Rs.8.5 lakhs to his wife on the evening of 15.7.2015, the day on which she went missing. Therefore, it is a clear case, where the alleged detenue, out of matrimonial discord, has left the company of the petitioner.

5. In view of the above, we find that it is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition stands closed, however, with a direction to the first respondent police to proceed with the investigation in Crime No.271 of 2015 and keep the petitioner informed about the developments.

sl

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

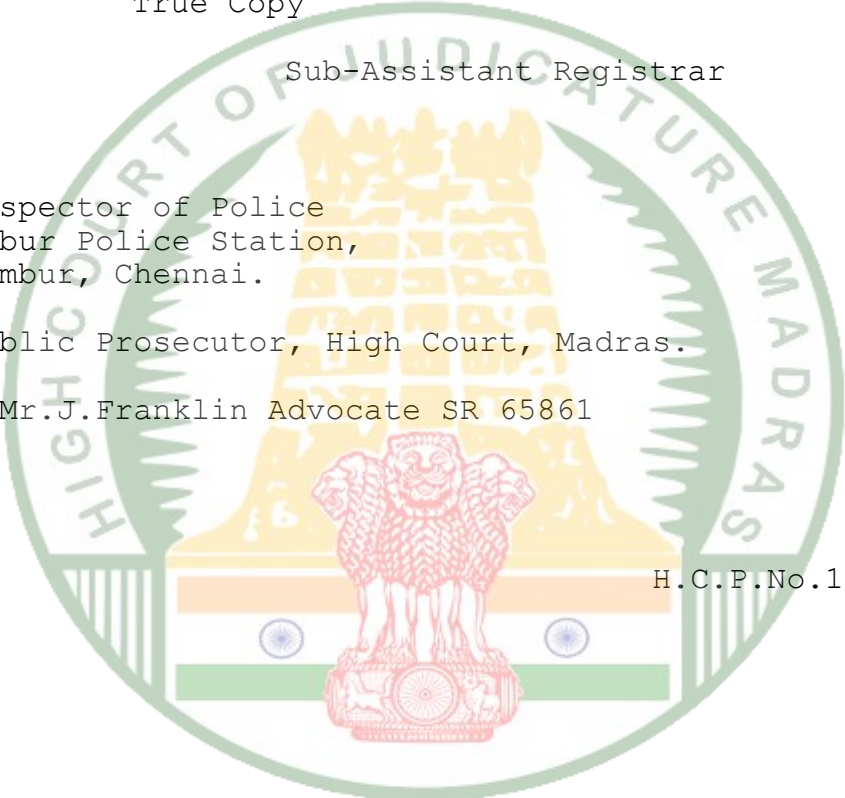
To

1. The Inspector of Police
Thalambur Police Station,
Thazhambur, Chennai.
2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.J.Franklin Advocate SR 65861

rsy(co)
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H.C.P.No.1796 of 2015



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