

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2015

CORAM

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

H.C.P. No.2024 of 2015

P.Suganya

... Petitioner

-v-

1.The State of Tamil Nadu,
rep. by the Superintendent of Police,
Krishnagiri District, Krishnagiri-635 206.

2.The Inspector of Police,
Pochampalli Police Station,
Pochampalli, Krishnagiri-635 206.

3.The Inspector of Police,
All Women Police Station,
Burgur, Krishnagiri-635 206.

4.R.Dhanalakshmi

5.Rajendran

6.R.Amudha

... 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 respondents herein to produce the body of the petitioner's husband K.Palani, S/o.Kasi, aged about 31 years, before this Court and to set him at liberty.

For Petitioner : Mr.E.Sudarsanan

For Respondents: Mr.A.N.Thambi Durai,
APP for R1 to R3

O R D E R

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

This petition has been filed under Article 226 of the Constitution of India to cause production of her husband/detenu K.Palani, S/o.Kasi, aged about 31 years, before this Court and to set him at liberty.

2. It is the case of the petitioner that the detenu was kidnapped by the fourth respondent and her parents, who are respondents 5 and 6.

3. Learned Additional Public Prosecutor submitted that a criminal case in Crime No.4/2015 on the file of the third respondent was registered under Sections 494 and 506(ii) IPC, on the complaint given by the petitioner herein against her husband, who is none other the alleged detenu.

4. When there is a complaint filed by the petitioner herself against the alleged detenu, raising allegation against respondents 4 to 6 would not be legally sustainable. On the aforesaid circumstances, we are of the view that there is no sustainable allegation of kidnapping the husband of the petitioner by the fourth respondent, an unmarried lady and her parents.

5. It is made clear that it is open to the petitioner to work out her remedy before the appropriate forum, according to law.

6. With the above observation, this petition is dismissed.

Sd/-
Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

vga

To

1. The State of Tamil Nadu,
rep. by the Superintendent of Police,
Krishnagiri District, Krishnagiri-635 206.

2. The Inspector of Police,
Pochampalli Police Station,
Pochampalli, Krishnagiri-635 206.

3. The Inspector of Police,
All Women Police Station,
Burgur, Krishnagiri-635 206.

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

+1 cc to M/s.E.Sudharsan, Advocate, sr.54796

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ppa co,
kra 30/10/2015