

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

H.C.P. No.2025 of 2015

Manoj Kumar Kuttuboina

... Petitioner

-v-

1.The Inspector of Police,
Aruvankadu Police Station,
Aruvankadu,
Nilgiris District.

2.Racherla Dharma Rao

... 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 produce the body of the petitioner's wife, Divya, aged about 25 years, before this Court and to set her liberty forthwith.

For Petitioner : Mr.A.R.Sakthivel

For Respondents : Mr.A.N.Thambidurai
Addl. Public Prosecutor for R1

O R D E R

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

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

2.This Habeas Corpus Petition has been filed by the petitioner/husband of the alleged detainee Divya, aged about 25 years, invoking under Article 226 of the Constitution of India, directing the first respondent to produce petitioner's wife before this Court and set her at liberty forthwith.

2.Learned Additional Public Prosecutor has produced all material papers relating to this case, i.e. a copy of the FIR, photographs relating to the petitioner and the alleged detainee Divya, Marriage

Invitation and other supporting documents, which are not in dispute. According to the learned Additional Public Prosecutor, the alleged detainee Divya has stated that she is with her parents, since there was cruelty by the petitioner, who is none other than the husband of the alleged detainee and further, she has filed a petition in CrI.O.P.No.23008 of 2015 before this Court stating that the police people are harassing the alleged detainee in view of this petition filed by the petitioner herein.

3.Having gone through the material papers and considering the submissions made by both sides, we are of the view that there is no illegal detention of detainee by anybody. As there is no illegal detention, we are of the view that this Habeas Corpus Petition itself is not legally sustainable. However, it is open to the petitioner to work out his remedy before the appropriate forum, according to law.

4.In view of the above, this Habeas Corpus Petition is dismissed as not maintainable.

Sd/-
Asst.Registrar (Records)

/true copy/

Sub Asst. Registrar

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To

1.The Inspector of Police,
Aruvankadu Police Station,
Aruvankadu,
Nilgiris District.

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

+1 cc to Mr.V.Vijayakumar Advocate sr.51709

+1 cc to Mr.A.R.Sakthivel, Advocate sr 51502

H.C.P. No.2025 of 2015

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