

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.2037 of 2015

M.Ayyaganapathy

Petitioner

vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai - 600 041.

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body or person of the petitioner's wife Ramyadurga aged about 33 years and minor daughter Thanyashree, aged about 4 years, who are not known under the illegal custody of some unknown persons before this Hon'ble Court and hand over the custody to the petitioner.

For Petitioner Mr.R.Muruga Bharathi

For Respondents Mr.M.Maharaja
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 1st and 2nd respondents to produce the body or person of the petitioner's wife Ramyadurga, aged about 33 years and minor daughter Thanyashree, aged about 4 years and hand over their custody to the petitioner.

2. It is seen that the detenue herself has filed an application for dissolution of marriage in HMOP No.177 of 2014 before the Subordinate Judge, Palani and summons has been issued for the appearance of the petitioner and the detenue. Further,

on 08.12.2015, the detenue and the child appeared before the Subordinate Judge, Palani. We find the said facts in paragraph no.3 of the Status Report, which reads as follows:

"3. I submit that during the course of enquiry, the detenue's father over phone stated that the petitioner frequently tortured the detenue by demanding money, so the detenue along with her child left to her parents house at Palani. the detenue also stated that now she is feeling very safe in her parents house. The detenue father stated that she applied for divorce vide HMOP No.117 of 2014 before Subordinate Judge Court, Palani and the court issued summon to the detenue and petitioner for appearance and for the same the detenue along with her child and the petitioner appeared before the said Court routinely and latest on 08.12.2015, both the detenue along with child and petitioner appeared before the court and the case was still pending before the concerned court. The detenue stated that the above said facts clearly showed that the detenue and her child were safe."

In view of the above, we are of the opinion that this is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this petition is closed.

gms

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai - 600 041.

3.The Public Prosecutor
High Court of Madras, Chennai.

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