

In the High Court of Judicature at Madras

Dated: 03.11.2015

Coram

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

Habeas Corpus Petition No.2103 of 2015

S.Seenivasan

.... Petitioner

Vs.

1. The Superintendent of Police,
Vellore District, Vellore.
2. The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur, Vellore District.
3. S. Saravanan

.... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first and second respondents to produce the detinue/petitioner's wife Bhuvaneshwari aged about 35 years, before this Honourable Court, who have been illegally detained by the 3rd respondent and set her at liberty.

For Petitioner : Mr.D.Saikumaran

For Respondents : Mr.A.N.Thambidurai,
Addl. Public Prosecutor - R1 & R2
Mr.E.Kannadasan - R3

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 for a direction to the respondents to produce the detinue before this Court and set her at liberty.

2. It is seen that the petitioner's wife Bhuvaneshwari went missing, in connection with which, a case in Crime No.530 of 2015 for woman missing has been registered by the respondent police and the investigation is in progress.

3. Learned Additional Public Prosecutor, on instruction, submits that originally the petitioner's wife had eloped with the third respondent and she was secured, but she was not willing to go with her husband. Hence, she was lodged in the woman's home, from where, it is alleged, that she, once again eloped with the third respondent. In such circumstances, we feel that there is no illegal detention. The petitioner's wife, being 35 years old, is not in the illegal custody and no writ of habeas corpus could be issued. The respondent-police is directed to proceed with the investigation in Crime No.530 of 2015 and keep the petitioner informed about the further developments in this case.

4. With the above direction, this petition is disposed of.

sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sl

To

1. The Superintendent of Police,
Vellore District, Vellore.
2. The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur, Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.D.Saikumaran Advocate. SR.NO. 60592

H.C.P.No.2103 of 2015

CO-PPA
JD 23/11/2015