

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 2804 OF 2015

D.Giri Prasath

... Petitioner

- Vs -

1. The State, rep. by
The Superintendent of Police
Tirupur District.
2. The Deputy Superintendent of Police
Avinashi.
3. The Inspector of Police
Vella Koil Police Station
Tirupur District.
4. Rasu @ Rajendran ... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the third respondent to produce the detainee, the petitioner's wife, Mrs.Indhumathi, aged 21 years before this Court and set her at liberty.

For Petitioner : Mr. V.Vijayakumar

For Respondent : Mr. A.N.Thambidurai,
Additional Public Prosecutor
for RR-1 to 3

ORDER
(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed by the petitioner for a direction on respondents 1 to 3 to secure the detainee, Indhumathi, the wife of the petitioner, produce her before this Court and set her at liberty.

2. Though the present petition has been filed by the petitioner stating that he is the husband of the alleged detainee, Indhumathi, substantiating the marriage by producing some photographs and also an affidavit issued by the notary public declaring that the petitioner has married the alleged detainee in a marriage solemnized in a temple, this Court is not inclined to issue a direction on the respondents as prayed for. Further, this Court has, time and again, deprecated the conduct of Notary Public in solemnizing and authenticating marriages.

3. Be that as it may. It is informed by the learned Addl. Public Prosecutor that on the basis of the complaint lodged by the petitioner, the Vellakoil Police have registered a FIR on 21.10.2015 in Crime No.717/2015 and investigation is in progress. In such circumstances, since the respondent/police is already investigating the matter, this Court is of the considered opinion that at this stage, there is no necessity to issue a direction as prayed for. However, the respondents/police authorities shall deal with matter in accordance with law and shall keep the petitioner informed of the development/break through in the investigation.

4. With the above observation, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

GLN

To

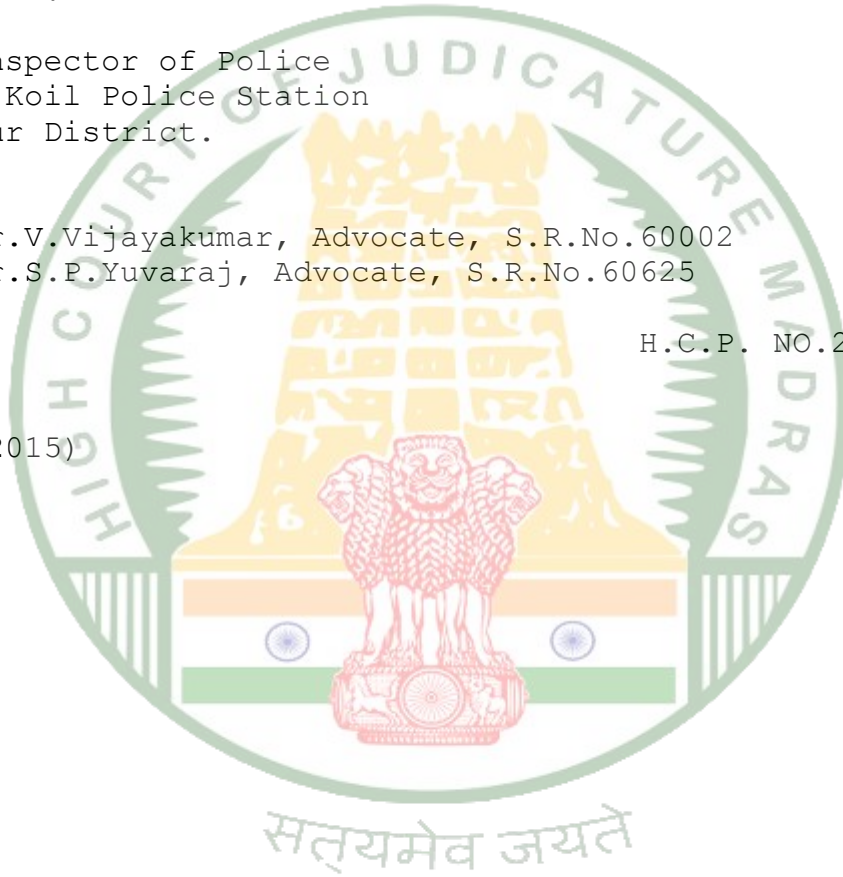
1. The Public Prosecutor
High Court
Madras.
2. The Superintendent of Police
Tirupur District.
3. The Deputy Superintendent of Police
Avinashi.
4. The Inspector of Police
Vella Koil Police Station
Tirupur District.

+1cc to Mr.V.Vijayakumar, Advocate, S.R.No.60002

+1cc to Mr.S.P.Yuvaraj, Advocate, S.R.No.60625

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PA (CO)
CA (24/11/2015)



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