

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.2822 of 2015

Selvi

Petitioner

vs.

1.State rep by
The Inspector of Police
Thuraipakkam Police Station
Chennai.

2.The Assistant Commissioner of Police
Adayar, Chennai.
Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents herein to produce the body and person of the petitioner's husband Jothi, S/o Arjunan, aged about 30 years before this Court and set at liberty.

For Petitioner Mr.T.R.Ravi

For Respondents Mr.A.N.Thambidurai
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 respondents herein to produce the body and person of the petitioner's husband Jothi, S/o Arjunan, aged about 30 years before this Court and set at liberty.

2. The wife makes a complaint seeking production of her husband said to have been recently married on 09.02.2014. On notice, the respondent police have filed a Status Report stating that, based on the complaint given by wife, a case in J-9 Thuraipakkam Police Station Cr.No.2583 of 2015 for "man missing" has been registered on 20.07.2015. The Report also states that the marriage of the detenu with the petitioner was conducted with

the help of detenu's brother, who has spent enormous amount and to repay the said amount, the family has suffered serious matrimonial discord and unable to bear the pressure and the family discord, the detenu has gone missing. The same is recorded in paragraph no.5 of the Status Report, which reads as follows:

"5. I submit that the investigation reveals that after the marriage, the petitioner and the detenu was stayed at the detenu's brother Settu's house at M.G.R.Nagar for three months. After that, both left Settu's house and separately residing at Perungudi. With regard to the marriage debt, the detenu paid amount from his monthly salary to his brother Settu and the same was questioned and objected by the petitioner, regarding the above dispute, oftenly they had quarrel between themselves. Because of the above said reason, the detenu may left his house."

In view of the above, we find that this is a case of matrimonial discord and not illegal detention. Accordingly, this petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.2583 of 2015 and keep the petitioner informed of the developments, if any.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
Thuraipakkam Police Station
Chennai.

2.The Assistant Commissioner of Police
Adayar, Chennai.

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

1 cc to Mr.T.R. Ravi, Advocate, Sr. 69525

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AD (CO)
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