

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P.NO.2844 OF 2015

K.Vinayagam .. Petitioner

- Vs -

1. The Inspector of Police
Anupparpalayam
Tiruppur District.

2. Mrs. Shanbagavalli
3. Rani

.. Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondent to secure the detainee, Karthika @ Minnoliyal, aged about 24 years and produce her before this Court and set her at liberty.

For Petitioner : Mr. K.Murali

For Respondents : Mr. A.N.Thambi Durai, APP

ORDER

(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner, the husband of the detainee, Karthika @ Minnoliyal, for a direction on the first respondent to secure the detainee and produce her before the Court and set her at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the first respondent.

3. The case of the petitioner is that he married the alleged detainee on 03.07.2015. On 12.10.2015, on the request of his mother-in-law, his wife went to the house of her aunt, where her mother had asked her to come, along with the petitioner. The petitioner left his wife and went out and on returning, found the house locked. In spite of his diligent efforts to trace his wife, he could not find her. Left with no other alternative, he lodged a complaint with the respondent police and the petitioner was issued with a CSR No.605/2015 dated

14.10.2015. In spite of his repeated requests, the police authorities are not taking any action and, therefore, the petitioner has come forward with this present habeas corpus petition.

4. From the above facts, as could be culled out from the petition, the second respondent is the mother and the third respondent is the aunt of the detainee. The apprehension of the petitioner is that his wife is being kept under illegal detention by the second and third respondent. Except apprehension, no other allegation has been made by the petitioner against the second and third respondents. The daughter, being with her mother, could, in no way, be termed as illegal detention. In such view of the matter, this Court is of the considered view that the detainee is not under illegal detention, as alleged by the petitioner. In such circumstances, this Court finds no reason to issue a writ of habeas corpus as prayed for.

5. Accordingly, this habeas corpus petition is dismissed.

GLN

Sd/-
Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Public Prosecutor
High Court, Madras.
2. The Inspector of Police
Anupparpalayam
Tiruppur District.

+1 C.C. TO MR.K.Murali, Advocate in SR.NO.60561

H.C.P.NO.2844 OF 2015

TM(CO)
sd : 25/11/2015

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