

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.11.2015

CORAM

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

H.C.P. NO. 3034 OF 2015

G.Yuvaraj

.. Petitioner

- Vs -

1. The State of Tamil Nadu
rep. by the Inspector of Police
Korattur Police Station
Thiruvallur District.

2. Sathish

.. Respondents

Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Habeas Corpus directing the first respondent to secure the detainee, A.Kowsalya, D/o Arumugam, produce her before this Court and set her at liberty.

For Petitioner : Mr. S.Anil Sandeep

For Respondents : Mr. A.N.Thambidurai, APP for R-1

ORDER

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

This petition has been filed for a direction to the first respondent to secure the detainee, A.Kowsalya, wife of the petitioner, produce her before this Court and set her at liberty.

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

3. It is the case of the petitioner that his wife has eloped with the second respondent in connection with which a case in Crime No.903/2015 has been registered by the respondent police on 27.9.15 for 'Woman Missing'. It is averred that though the complaint has been registered, the respondent police are not taking steps to locate the detainee and, therefore, the present petition is filed.

4. Per contra, learned Addl. Public Prosecutor submits that the investigation is in progress.

5. From a perusal of the affidavit filed in support of the petition, it is evident that even according to the petitioner, the detainee is a major, aged about 22 years. Further, it is averred in para-8 and 9 of the affidavit that the detainee had developed illegal intimacy with the second respondent and that she had eloped with the second respondent.

6. From the above averment it is clear that the detainee had gone away on her own volition and there is no case of illegal detention. In such view of the matter, there being no illegal detention, issuance of writ of habeas corpus does not arise.

7. Accordingly, this habeas corpus petition is closed with a direction to the respondent police to proceed with the investigation and keep the petitioner informed of any development/break through in the case.

GLN

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police
Korattur Police Station
Thiruvallur District.

2. The Public Prosecutor
High Court, Madras.

SCD/CO
KR/18/12

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