

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.3035 OF 2015

Deepa Victor Sam Tony .. Petitioner

- Vs -

State rep. by
The Inspector of Police
B-9, Police Station
Saravanampatty
Coimbatore District. .. Respondent

Petition filed for the issuance of a writ of habeas corpus directing the respondent to secure the detenu, Victor Samtony, produce him before this Court and set him at liberty.

For Petitioner : Mr. G.Murugendran

For Respondent : Mr. A.N.Thambidurai,
Additional Public Prosecutor

ORDER

(DELIVERED BY R.SUDHAKAR, J.)

This petition has been filed for a direction to the respondent to secure the detenu, Victor, Samtony, husband of the petitioner, produce him before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent and perused the materials available in the typed set of documents.

3. It is the case of the petitioner that his husband is being illegally detained by his parents in connection with which a complaint was given and CSR No.1058/2015 has been issued by the respondent police. It is averred that though the complaint has been received, the respondent police are not taking steps to locate the detenu and, therefore, the present petition is filed.

4. From a perusal of the affidavit filed in support of the petition, it is evident that the wife of the detenu is complaining about the illegal detention of her husband, allegedly by his parents. Even a perusal of the CSR No.1058/2015 shows that it is a case of family quarrel and the details of the complaint clearly establish that it is a case of matrimonial discord.

5. From the above admitted fact, the plea of the petitioner that the detenu is under illegal detention, much less by his parents, cannot be accepted. In such view of the matter, there being no illegal detention, issuance of writ of habeas corpus does not arise.

6. Accordingly, this habeas corpus petition is closed. However, since the complaint has been received and CSR No.1058/15 has been issued, there will be 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/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police
B-9 Police Station
Saravanampatty
Coimbatore District.
2. The Public Prosecutor
High Court, Madras.

+1 C.C. To MR.G.Murugendran, Advocate in SR.NO.64597

H.C.P.NO.3035 OF 2015

RSY(CO)

sd : 10/12/2015

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