

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

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

Habeas Corpus Petition No.3071 of 2015

V.Ganesh

... Petitioner

Vs.

1. The Inspector of Police,
R-8, Vadapalani Police Station,
Vadapalani, Chennai - 600 026.
2. The Commissioner of Police,
Greater City of Chennai,
Vepery, Chennai - 7.
3. The Inspector of Police,
Thathaiyangarpettai Police
Thuraiyur Taluk, Trichy District.
4. The Superintendent of Police,
Trichy District, Trichy.
5. Mrs.S.Poomani

... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondent herein to produce the wife of the petitioner
G.Arulsudha, 24 years, before this Court and set her at liberty
forthwith.

For Petitioner : Mr.K.Udayakumar

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor
(Crl.Side) - R1 to R4

O R D E R
(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the husband of the detainee, namely, Arulsudha for a direction to the respondents to produce the detainee before this Court and set her at liberty.

2. The petitioner claims that he married the detainee, Arulsudha, daughter of Subramaniyan, residing at No.178, Araichy Post, East Street, Musiri Taluk, Trichy District vide registration Sl.No.2797 of 2015 dated 13.07.2015 by the Marriage Registrar, District Registrar Office, Chennai North. The petitioner further states that on an earlier occasion, one S.Jayanthi, sister of Arulsudha filed H.C.P before this Court in H.C.P No.1202 of 2015 and this Court, vide order dated 02.06.2015, observed as follows:

"2.This petition has been filed by the petitioner/sister of the detainee, S.Arul Subha, sister of S.AJayanthi, aged about 24 years, directing the respondents to cause production of her sister/the detainee, before this Court and to set her at liberty.

3.The detainee S.Arul Subha, daughter of Subramanian is secured and produced before this Court by the respondent police. On enquiry, the detainee told us that she is a major aged about 24 years and she is residing separately. According to her, there is no illegal detention of her by third respondent or by any another person.

4. Recording the statement made by the detainee to the effect that there is no illegal detention, we are of the view that this petition could be closed as nothing further remains to be considered in this petition.

5.Accordingly, this petition is closed. It is open to the petitioner to approach the appropriate forum seeking remedy, according to law."

3. From the above, it is evident that even at the time when the sister of the detainee wanted to secure the detainee, it was recorded by this Court that the detainee is a major, 24 years old

and residing separately and therefore she was not in the illegal detention of the third respondent/the petitioner herein. At present, according to the petitioner, the detinue is with her mother/5th respondent.

4. On going through the order passed by this Court and the statement now made by the petitioner, it is evident that the detinue is not in the illegal custody of anyone, much less the mother or any third party. It is the choice of the detinue to be either with her husband or with her parents and this Court will not force production of the alleged detinue merely on the plea of the petitioner that she is in the illegal detention of her mother.

5. We find from the earlier order as well as the present statement made in the affidavit that, at best, it could be a case of matrimonial discord or the convenience of the detinue to choose the place of living. It is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this petition stands closed and it is open to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sl

To

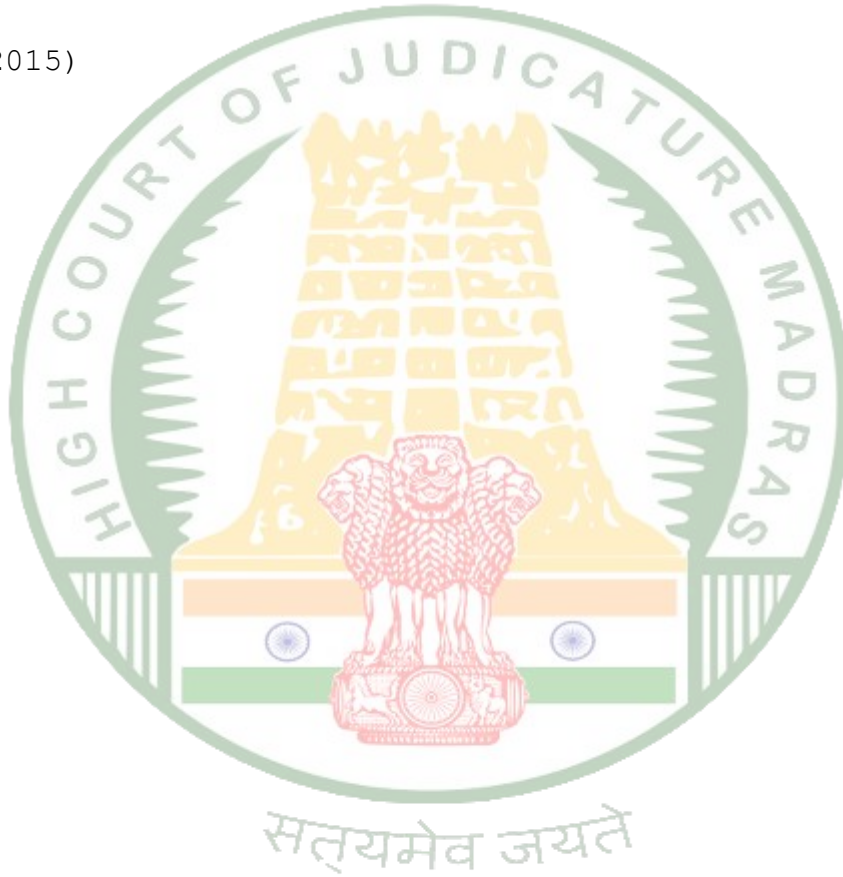
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Thuraiyur Taluk, Trichy District.

4. The Superintendent of Police,
Trichy District, Trichy.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Udayakumar, Advocate, S.R.No.65147

H.C.P.No.3071 of 2015

AD(CO)
CA(22/12/2015)



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