

In the High Court of Judicature at Madras

Dated: 22.12.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR  
and  
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3225 of 2015

Gomathi @ Nisha Begam ...Petitioner /wife of the detenu

Vs.

1. The Superintendent of Police,  
Tiruppur.
2. The Inspector of Police,  
Tiruppur Town Police Station,  
Tiruppur.
3. Abdul Ajeez ..... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the second respondents to produce the person and body of the detenu (Abu S/o Abdul Ajeez aged 32 years) of the petitioner's husband from the illegal custody of 3rd respondent.

For Petitioner : Ms.Vanathi Srinivasan

For Respondents : Mr.A.N.Thambidurai,  
Addl. Public Prosecutor -R1 and R2

O R D E R

(Order of the Court was made by R.SUDHAKAR, J.)

This Habeas Corpus Petition is filed by the wife of the detenu, Abu for a direction to the respondents to produce the detenu before this Court and set him at liberty.

2. It is the case of the petitioner that she got married to the detenu, Abu on 17.08.2008 and the detenu went missing in the year 2009. In this regard, she has given a complaint, which is registered in C.S.R.No.179 of 2013 dated 22.4.2013. It is stated in the complaint that the detenu was torturing her for dowry and thereafter, he threatened her to leave the matrimonial

home. She has given a complaint to the police seeking action against the husband as well as his parents.

3. In that view of the matter, after lapse of two years, the present petition has been filed seeking to secure the detenu. Apparently, the petitioner wants to initiate legal proceedings against the missing person. We find that it is not a case of illegal detention, warranting issuance of Writ of Habeas Corpus.

4. Accordingly, this Habeas Corpus Petition stands closed. However, it is open to the petitioner to work out her remedy before the appropriate forum. The respondent - police is directed to conduct enquiry on the complaint filed by the petitioner dated 08.10.2015 and C.S.R.No.179 of 2013 dated 22.4.2013 and keep the petitioner informed about the developments.

sd/-  
Assistant Registrar (Cs-II)

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The Superintendent of Police,  
Tiruppur.
2. The Inspector of Police,  
Tiruppur Town Police Station,  
Tiruppur.
3. The Public Prosecutor, High Court, Madras.

+1 CC to Ms.Vanathi Srinivasan Advocate. SR.NO.69225

WEB COPY

H.C.P.No.3225 of 2015

CO-AD

JD 25/01/2016