

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2015

CORAM:

The Hon'ble Mr.Justice S.MANIKUMAR
and
The Hon'ble Mrs.Justice ARUNA JAGADEESAN

H.C.P.No.333 of 2015

M.Venkatesan ... Petitioner/Husband
of the detenue

vs.

1. The Deputy Superintendent of Police,
Vriidhachalam,
Cuddalore District.
2. The Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.
3. Satish
4. Manikandan
5. Thirumal
6. Virudhambal
7. Sundaraj

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body of detenue Sudharshini, before this Court.

For petitioner : Mr.S.Senthilnathan

For respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor (Crl.Side)
for R1 and R2

O R D E R

(Order of this Court is made by S.MANIKUMAR, J.)

On 13.02.2015, when the matter came up for hearing, after enquiring the parties, we recorded as follows:

"Matter is not listed today. However, since the Police has secured the alleged detainees, Registry was directed to put up a Special List.

2. Husband has sought for a Writ of Habeas Corpus, directing the respondents to produce Ms.Sudharshini and minor daughter Sivapriya, now stated to be aged 2 years. According to him, marriage between parties was solemnized on 21.05.2007. They were blessed with a female child. Female child was born on 17.11.2012. He was employed in Singapore. Out of the earnings, he has purchased a vacant land worth of Rs.10,00,000/- in the name of his wife at MRK Nagar, Vridhachalam. Golden articles were also given to her. On 28.06.2014, his wife Sudharshini along with minor daughter Sivapriya, left the matrimonial home stating that she is going to his father-in-law's house at Erappavur Village. Thereafter, they did not turn up. After searching them in various places, the petitioner has lodged a complaint with the Inspector of Police, Vridhachalam Police Station, Cuddalore District, on 10.07.2014. A case in Crime No.371 of 2014 has been registered under the caption "Women missing". After this incident, he quit his job at Singapore and returned to India. Subsequently, he met the Inspector of Police and made a representation to the respondents 1 and 2, dated 14.08.2014. According to him, no action was taken. Hence, he constrained to file this Writ of Habeas Corpus Petition.

3. Today, the Inspector of Police, Vridhachalam Police Station, Cuddalore District, produced the alleged detainees. We enquired them. According to the wife, the petitioner/husband suspected her fidelity. Unable to bear the same, she went out of the matrimonial home on her own accord. Further enquiry revealed that currently, she is working in a Banian Company at Tiruppur. Ms.Sudha is her sister and respondent No.3 is her husband. She further stated that for the past six months, she is staying at Tiruppur.

4. Mr.Satish, respondent No.3, is employed. He candidly admitted that the alleged detainee and her daughter Sivapriya are living with him at Tiruppur. He also stated that the joint living of the alleged detainee with him is also known to Sudha, his wife, who is residing at Vridhachalam.

5.Though the petitioner had stated that now and then,

Satish used to visit her, there is categorical admission of respondent NO.3.

6. As there is no possibility for the petitioner to know the Special Listing of this case and in order to hear the petitioner, Registry is directed to post the matter on 16.02.2015, as first case.

7. Satish, respondent No.3 and the alleged detenues, shall report before the Inspector of Police, Vridhachalam Police Station on 14.02.2015 and on 15.02.2015, at 05.00PM, for two days. Alleged detenues are directed to appear before this Court on 16.02.2015."

2. Today, alleged detainee along with her child were present. She is aged about 29 years. Once again, we enquired the alleged detainee/wife. She is not willing to go with her husband. Illegal detention is denied. In the light of what is recorded on 13.02.2015, and when illegal detention is denied, the question of issuance of Writ of Habeas Corpus, does not arise. Hence, this petition is closed. Petitioner is at liberty to work out his remedies in the manner known to law.

Sd/-

Asst. Registrar

/true copy/

MPS

Sub Asst. Registrar.

To

1. The Deputy Superintendent of Police,
Vridhachalam,
Cuddalore District.

2. The Inspector of Police,
Vridhachalam Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+4cc to Mr.S.Senthilnathan, Advocate, S.R.No.8152

+2cc to Mr.Ganesh Rajan, Advocate, S.R.No.9505

HCP No.333 of 2015

MSM(CO)

CA(05/03/2015)