

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

HCP.No.382/2015

Mohamed Yusuf

Petitioner/Husband
of the detainee

Vs

1.The Commissioner of Police,
Pulianthope Police District
Chennai-12

2.The Inspector of Police,
P1 Pulianthope Police Station
Chennai-12

3.Parthasarathy

Respondents

Prayer:- This Habeas Corpus Petition is filed, under Article 226 of the Constitution of India for the relief as stated therein directing the respondent herein to produce the body and person of the detainee by name Saraswathy @ Zulaikka, wife of the petitioner herein, aged about 35 years who has been illegally detained under the custody of the respondent 3 herein before this court, set her at liberty.

For Petitioner : Mr.R.Vinu Priyanga

For Respondent : Mr.A.N.Thambidurai, APP-RR1 & 2

ORDER

This Habeas Corpus Petition has been filed to direct the Respondents to produce the detainee, by name, Saraswathi @ Zulaikka, wife of the Petitioner herein, who is illegally detained under the custody of the 3rd Respondent herein, before this Court and to set her at liberty.

2. It is alleged by the Petitioner that he was married to the detainee and they were blessed with two children, i.e. one son and one daughter, aged about 12 and 7 years, respectively and that the detainee was kidnapped by the 3rd Respondent herein. On enquiry by the Police, the 3rd Respondent gave an undertaking in writing to the P4 Police Station on 16.1.2015 that he would not have any connection with the detainee in future. However, it is stated by the

Petitioner that in spite of the said undertaking, the 3rd Respondent had abducted the detenue once again and detaining her illegally. In such circumstances, this Habeas Corpus Petition has been filed.

3. Today, when the matter came up for hearing, the 2nd Respondent Police produced the detenue before this Court. On our enquiry, the detenue has categorically stated that she has voluntarily left the matrimonial home, as she was unable to bear the torture given by her husband and that she is not under the illegal confinement or detention of anyone, much less the 3rd respondent herein. Admittedly, detenue is a major, aged 35 years old. The detenue has also stated that she is not willing to go with the Petitioner herein.

4. In view of the categorical statements made by the detenue, as stated above and considering the fact that the detenue is not under the illegal confinement or detention of any one, question of issuance of Habeas Corpus does not arise and the detenue is permitted to go as per her wish. This Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

Srcm

To:

1. The Commissioner of Police,
Pulianthope Police District, Chennai-12
2. The Inspector of Police,
P1 Pulianthope Police Station, Chennai-12
3. The Public Prosecutor,
Madras High Court, Madras

+ 1 cc to Mr.R. Vinupriyanga, Advocate Sr.6792

BR(CO)
Eu 2.03.15

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