

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND

THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

H.C.P.No.548 of 2015

J.Kaja Moideen

...Petitioner

Vs

1.State rep. By the Superintendent of Police,
Coimbatore District,
Coimbatore.

2.The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore.

3.R.Govindaraj

...Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India to direct the 2nd respondent to produce the body of the petitioner's wife, namely, Tharani, Daughter of R.Govindaraj, aged about 23 years, before this court and set her at liberty.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor
for R1 & R2

Mr.J.Pothiraj for R3

O R D E R

The matter was not listed today. Since the Police has secured the alleged detainee, the Registry was directed to put up a special list.

2. In the petition, it has been alleged that the petitioner married the detenu, namely Tharani, aged about 23 years at Thanthai Periyar Thiravida Kalagam, Coimbatore. The marriage was also registered with the Sub-Registrar Office, on 16.07.2013. She gave birth to a child on 24.05.2014. It is further stated that on the earlier occasion, the 3rd respondent filed Habeas Corpus Petition in H.C.P.No.1499 of 2013 and the same was disposed of, on 19.08.2013, by this court, as the detenu expressed her willingness to go with the petitioner. It is stated by him that the detenu was taken by the third respondent under the guise of seeing her grandfather and thereafter, her whereabouts are not known. She had left their eight months old baby uncared. Therefore, he was constrained to lodge a complaint with the 1st respondent on 9.2.2015. But, since no effective steps were taken by the respondent to secure the detenu, he has filed this Habeas Corpus Petition.

3. Today, the detenu was produced before this Court by the 2nd respondent police. The petitioner was also present in Court. When we enquired the detenu, she had stated that due to the torture meted out to her, she had left the matrimonial home and now, she is with her parents. She had further stated that she is not willing to go with the petitioner. So far as her child is concerned, she had stated that she would work out her remedy before the appropriate forum, in the manner known to law.

4. The statement made by the detenu is recorded. Since the detenu is a major, she is permitted to go along with her parents as per her wish. It is needless to say that the parties can seek their remedy, if any, at the appropriate forum, in the manner known to law. Hence, Habeas Corpus Petition is closed, as no further order is necessary.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Superintendent of Police,
Coimbatore District,
Coimbatore.

2.The Inspector of Police,
All Women Police Station,
Thudiyalur,Coimbatore.

3.The Public Prosecutor,
High Court, Chennai.

1 CC to Mr.R.Jayaprakash, Advocate SR.No. 11887

1 CC to Mr.J.Pothiraj, Advocate SR.No. 12025

H.C.P.No.548 of 2015

GP (CO)
PSI (20.03.2015)



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