

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

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

Habeas Corpus Petition No.589 of 2015

A.Arokkiya Selvarani

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Ammamet, Salem, Salem District
3. Deva Sahayam

... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce the petitioner's grandmother Mrs.Mariammal, Wife of Late Mr.Chellappan, aged about 83 years before this Court and set her at liberty.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor - R1 & R2
Mr.D.Rajagopal - R3

ORDER
(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the grand daughter of the detainee for a direction to the respondents to produce the detainee Mariammal before this Court and set her at liberty.

2. It is the case of the petitioner that his grand mother Mariammal went missing and that she is in the illegal custody of the third respondent. It appears that Selvappan, husband of the detinue, married twice and the names of both his wives are Mariammal. For the sake of convenience, we refer the alleged detinue herein as Mariammal - II. Through Selvapan and Mariammal -II, Antony was born and the petitioner is the daughter of the said Antony. The third respondent Deva Sahayam was born to Selvappan and Mariammal - I. It is alleged by the petitioner that her grand mother is kept under illegal custody of the third respondent herein, which allegation is being denied by the learned counsel appearing for the third respondent.

3. It is seen that no police complaint has been given by the petitioner herein. In such circumstances, this Court finds that there is no illegal detention of the alleged detinue as contended by the petitioner, warranting issuance of Writ of habeas corpus. Hence, this petition stands closed giving liberty to the petitioner to approach the police and lodge a complaint.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Ammamet, Salem, Salem District
3. The Public Prosecutor,
High Court, Madras.

BVR(CO)
CA(11/12/2015)

H.C.P.No.589 of 2015