

In the High Court of Judicature at Madras

Dated: 23.11.2015

Coram

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

Habeas Corpus Petition No.2207 of 2014

A.Regina Begum

.... Petitioner

Vs.

1. The State represented by
Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.

2. Deivanayaki

.... 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 body of the detenu viz., Abdul Khader, aged about 32 years, before this Court and set him at liberty.

For Petitioner : Mr.J.R.Prabhakaran

For Respondents : Mr.A.N.Thambidurai,
Addl. Public Prosecutor

O R D E R

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

This Habeas Corpus Petition is filed by the wife of the detenu, Abdul Khader, seeking 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 the alleged detenu on 31.10.2002 and they have three children through their wedlock. It is further alleged by the petitioner that her husband has gone missing.

3. The respondent - police have filed status report dated 23.09.2014 stating that on the complaint given by the petitioner, a case in Crime No.5 of 2014 has been registered by the respondent - police as against the alleged detenu and after completing the investigation, the respondent police have filed

the final report in C.C.No.219 of 2014 before the Judicial Magistrate, Palladam for offences under Section 498A, 294(b) and 506(i) IPC and trial is pending in that case.

4. In such circumstances, it cannot be said that the detenu is under illegal custody of any person. Since he is major and is facing criminal prosecution before the Judicial Magistrate, Palladam, as aforesaid, we find that it is not a fit case warranting issuance of Writ of Habeas Corpus. Accordingly, this petition stands dismissed.

sl

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The State represented by
Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.
2. The Public Prosecutor, High Court, Madras.

H.C.P.No.2207 of 2014

MP/CO
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सत्यमेव जयते

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