

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.11.2015

CORAM

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

HCP.No.3494/2014

Nagaraj

Petitioner

Versus

1 State rep. by
The Sub Inspector of Police
Hudco Police Station
Hosur, Krishnagiri District.

2 Karthik

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to cause the production of the body and person of petitioner's wife Geetha aged about 35 years before this Court and set her at liberty.

For Petitioner : Mr.A.Balamurugan
For RR 1 to 3 : Mr.A.N.Thambidurai, APP

ORDER

[Order of the Court was made by P.N.PRAKASH, J.,]

The above petition has been filed by the petitioner/husband of the detinue, to cause production of his wife, Geetha, about 35 years, who is said to be in the illegal custody of the 2nd respondent herein, before this Court and to set her at liberty.

2 It is the case of the petitioner that his wife Geetha, aged about 35 years, had gone missing, in connection with which, a case in Cr.No.329/2014 has been registered by the Hudco Police Station, for ''Woman Missing'' on 02.11.2014 and the investigation is pending.

3 Today, the respondent police have filed an additional Status Report, detailing the steps taken by them to secure the detinue Geetha.

4 The 2nd respondent has also filed a counter affidavit, denying the allegations of illegal intimacy of him with the petitioner's wife, the detainee herein. However, the respondent police are till trying to resolve the issue as to what is the nature of the problem under which, the petitioner's wife/detainee left the matrimonial home.

5 We also discern from the facts as stated above that it is not a case of illegal detention ; but it is a case where the wife of the petitioner/the detainee herein, has left the matrimonial home on her own accord and therefore, it is not a case of illegal detention warranting issuance of a writ of Habeas Corpus.

6 In view of the above, this petition is closed with a direction to the respondent police to proceed with the investigation in Cr.No.329/2014 and keep the petitioner informed about the developments.

AP

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1 The Sub Inspector of Police
Hudco Police Station
Hosur, Krishnagiri District.

2 The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.A.Balamurugan, Advocate SR 65108

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सत्यमेव जयते

HCP.No.3494/2014

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