

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2016

CORAM

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

H.C.P. NO. 1213 OF 2015

Velankanni ... Petitioner/Wife of the detenu

- Vs -

1. The City Commissioner of Police
O/o The City Commissioner of Police
Coimbatore & District 641 018.
2. The Assistant Commissioner of Police
O/o The Asst. Commissioner of Police
Coimbatore City (East), Singanallur
Coimbatore 641 005.
3. The Inspector of Police
Saravanampatti Police Station
Coimbatore City
Coimbatore District 641 035.

... Respondents

Petition filed under article 226 of the Constitution of India for the issuance of a writ of habeas corpus directing the respondents to secure the detenu Saravanan @ Samuvel, S/o Patchaiyappan, aged about 25 years, husband of the petitioner, produce him before this Court and set him at liberty.

For Petitioner : Mr. A.K.Gopalan

For Respondents: Mr. A.N.Thambidurai, APP

ORDER
(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed by the petitioner, the wife of the detenu, for a direction on the respondents to secure the detenu Saravanan @ Samuvel, S/o Patchaiyappan, aged about 25 years, husband of the petitioner, produce him before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that her husband had illicit intimacy with one other lady. It is further averred that the detenu (husband) left his house on 3.3.2015 informing the petitioner that he will return after getting some money from his friend. However, he did not return and inspite of the best efforts of the petitioner, she could not find the detenu. Though the petitioner tried to lodge a complaint, the same was not registered by the respondent police. Since the police are not taking any action to trace the detenu, the present petition has been filed.

4. Even from the averments in the petition, it is evident that the detenu has left the house on his own volition on 3.3.15 and there is no allegation that the detenu is under the illegal detention of any person. In the above factual background, this Court is of the considered view that there being no allegation of illegal detention of the detenu by any person, the issuance of writ of habeas corpus does not arise.

5. In the above circumstances, this habeas corpus petition is closed with a direction to the petitioner to submit a fresh complaint with the respondent police and on receipt of the said complaint, the respondent police shall enquire into the same and, thereafter, proceed in accordance with law.

sd/-

Assistant Registrar (Cs-II)

/TRUE COPY/

Sub-Assistant Registrar

GLN

To

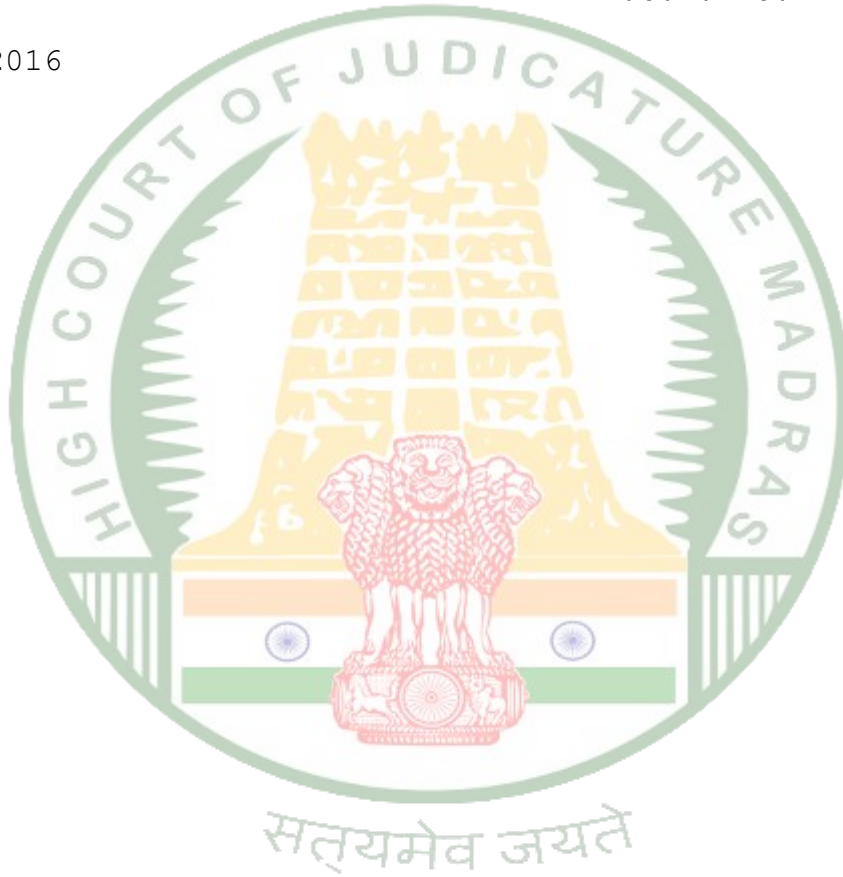
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3. The Inspector of Police
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4. The Public Prosecutor
High Court, Madras.

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CO-VGI
JD 25/01/2016



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