

In the High Court of Judicature at Madras

Dated: 25.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition Nos.1989 and 939 of 2015

V.Rangaraji Petitioner in H.C.P.No.1989 of 2015/
father of the detenu

R.Jagan Petitioner in H.C.P.No.939 of 2015/
Husband of the detenu

Vs.

1. The Inspector General of Police,
North Region, Alandur, Chennai - 600 016.
2. The District Superintendent of Police,
Villupuram District, Villupuram.
3. The Deputy Inspector General of Police,
Villupuram District, Villupuram.
..... Respondents in H.C.P.No.1989 of 2015
4. The Inspector of Police,
Kallukurichi Police Station,
Villupuram District.
..... 4th Respondent in H.C.P.1989/15 and
1st Respondent in H.C.P.939/15
5. R.Jegan
..... 5th Respondent in H.C.P.No.1989 of 2015
6. The Superintendent of Police,
Villupuram District, Villupuram
..... 2nd Respondent in H.C.P.No.939 of 2015

H.C.P.No.1989 of 2015:

PETITION under Article 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents to produce the petitioner's daughter Saritha, W/o
Jagan, aged about 21 years, residing at Neelamangalam,

Kalakurichi Taluk, Villupuram District, dead or alive before this Court and set her at liberty.

H.C.P.No.939 of 2015:

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce the body and person of the detainee by name Saritha, aged about 27 years, wife of the petitioner herein, who has been missing from 10.3.2015 onwards set her at liberty.

For Petitioner in H.C.P.No.1989 of 2015 : Mr.A.Ameen

For Petitioner in H.C.P.No.939 of 2015 : Mr.N.S.Kishore Kumar

For Respondents: Mr.A.N.Thambidurai
Additional Public Prosecutor
- R1 to R4 in HCP No.1989 of 2015
& R1 & R2 in HCP No.939 of 2015

C O M M O N O R D E R

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

Habeas Corpus Petition No.939 of 2015 is filed by the husband of the detainee, Saritha and Habeas Corpus Petition No.1989 of 2015 is filed by the father of the detainee, seeking direction to the respondents to produce the detainee, Saritha, before this Court and set her at liberty.

2. It is the common case that the detainee Saritha married the petitioner in H.C.P.No.939 of 2015 and got three children through their wedlock. She left the matrimonial home on 10.3.2015, in connection with which a case in Crime No.94 of 2015 for woman missing has been registered. Since the respondent - police did not take effective steps to secure the detainee, the father and husband of the detainee have filed the present Habeas Corpus petitions.

3. The respondent - police have filed a detailed counter stating that there is a controversy in the nature of allegation made by the husband as well as the allegation of the father. One version is about the illegal intimacy and the other version is the matrimonial discord. Nevertheless, it is a case where the woman has gone out of her matrimonial house on her own volition and there is no illegal detention warranting issuance of a Writ of Habeas Corpus.

4. Accordingly, both the Habeas Corpus Petitions stand closed with a direction to the respondent - police to proceed with the investigation in Cr.No.94 of 2015 and keep the petitioners informed about the developments, if any, in this case.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sl

To

1. The Inspector General of Police,
North Region, Alandur, Chennai - 600 016.
2. The District Superintendent of Police,
Villupuram District, Villupuram.
3. The Deputy Inspector General of Police,
Villupuram District, Villupuram.
4. The Inspector of Police,
Kallukurichi Police Station,
Villupuram District.
5. The Superintendent of Police,
Villupuram District, Villupuram
6. The Public Prosecutor, High Court, Madras.

1 cc to Mr.A. Ameen, Adocate, Sr. 5100

H.C.P.Nos.1989 and 939 of 2015

SR (CO)
kk 4/2