

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2016

CORAM

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

HCP.No.2730/2015

Duraisingam

.. Petitioner

Versus

1.The Inspector of Police
Velachery Police Station
Velachery, Chennai.

2.Mrs.Chandra

3.Mr.Ramakrishnan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus pertaining to the illegal custody or illegal detention of the detenus Mrs.Rajalakshmi, W/o.Duraisingam, aged about 33 years and Minor Jaganath, S/o.Duraisingam, aged about 9 months and consequently direct the respondents to produce the detainees before this Court and set her at liberty.

For Petitioner : Mr.Durai Gunasekaran
For R1 : Mr.A.N.Thambidurai
Addl. Public Prosecutor
For RR 2 & 3 : Mr.R.Sankarasubbu

ORDER

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

The above petition has been filed by the petitioner to cause production of his wife Rajalakshmi, aged 33 years and minor son Jaganath, aged about 9 months, who are said to be in the illegal custody of the respondents 2 and 3, before this Court and set them at liberty.

2 It is the case of the petitioner that he got married to the detainee Rajalakshmi on 25.05.2008 and through the wedlock, they have got one male child Jaganath and that the said Rajalakshmi and Jaganath are kept under the illegal custody of the respondents 2 and 3, who are none other than the mother and brother of the said detainee Rajalakshmi/mother-in-law and brother-in-law of the petitioner herein.

3 Learned counsel for the respondents 2 and 3 would submit that the detenue is in her parental home along with her child on her own volition and that she is not in the illegal detention of the respondents 2 and 3.

4 Under such circumstances, this Court is of the view that there is no illegal detention of the detenues Rajalakshmi and Jaganath by the respondents 2 and 3 as they happen to be her mother and brother and that this is a case of matrimonial discord.

5 Accordingly, the Habeas Corpus Petition is closed. It is open to the petitioner to work out his remedy before the appropriate Forum in accordance with law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
Velachery Police Station
Velachery, Chennai.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.T.Anbukumar, Advocate, S.R.No.1581

HCP.No.2730/2015

sld(CO)
srg(21/01/2016)

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