

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2016

CORAM

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

HABEAS CORPUS PETITION NO.2794 OF 2015

D.Aruldass Petitioner

Vs.

1. The Inspector of Police,
Devanampattinam Police Station,
Devanampattinam
Cuddalore District.

2. K.Jeyaseelan Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus to direct the respondents to produce the petitioner's wife aged 41 years namely, Sundaravadhani, wife of Aruldass before this Court and set her at liberty.

For Petitioner : Mr.G.Peranban

For Respondents: Mr.A.N.Thambidurai
Addl. Public Prosecutor - R1

O R D E R

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

This Habeas Corpus Petition is filed by the husband of the detinue, Sundaravadhani seeking direction to respondents to produce the detinue before this Court and set her at liberty.

2. It is the case of the petitioner that his wife Sundaravadhani, aged about 41 years, went missing on 02.08.2015, in connection with which, a case in Crime No.34 of 2015 for woman missing has been registered by the first respondent

police. It is the allegation of the petitioner that thereafter the respondent - police did not take any action. Hence, he filed the present Habeas Corpus Petition.

3. The first respondent - police have filed status report dated 07.12.2016, wherein, it is stated that the petitioner's wife is having intimacy with the second respondent K.Jeyaseelan and that the police are taking earnest steps to trace her. In the status report, in paragraph No.3, it is stated as follows:

"I submit that I have examined the following witnesses and recorded their statements.

1) Tr.Aruldass - petitioner.

2) Selvi.Devadarsshini, 3) Selvi.Anusuya - petitioner's daughters.

3) Tr.Diwagaran, 5) Tr.Kumar, 6) Tr.Vinod, 7) Tr.Sathish, 8) Tmt.Sarasu, 9) Tmt.Prema - neighbours.

Witnesses No.1 stated that the petitioner's wife pledged almost all the jewels; further borrowed money from neighbours. Apart from the above, the petitioner's wife having illegal affair with the 2nd respondent (who is none other than the petitioner's cousin brother's son) with regard to the above, quite often they had quarreled between them. Further, the petitioner strongly suspect that she eloped with the 2nd respondent.

Witnesses No.2 to 7 stated that on that day, the missing woman told them that she will going to hospital, but did not return to home.

Witnesses No.8 & 9 stated that the missing woman had borrowed money from her neighbours and unable to repay the same and having an illegal affair with the 2nd respondent. But, they did not aware of the present whereabouts of the missing woman."

4. In view of the above, we are of the opinion that it is not a case of illegal detention, inasmuch as the detinue is a major and that she, on her own volition, had gone out of her house. Hence, this Habeas Corpus Petition stands closed with a direction to the first respondent to proceed with the investigation in Crime No.34 of 2015 and keep the petitioner informed about the developments, if any, in this case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Devanampattinam Police Station,
Devanampattinam
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Peranban, Advocate, S.R.No.1875

H.C.P.No.2794 of 2015

cnr (CO)
srg (08/02/2016)

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