

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

Coram:

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

H.C.P.No.3007 of 2015

M.Vengaiyan

.. Petitioner

vs.

- 1.The High Commissioner of India
Level 28, Manaral Mon't Kiara
Jalankiara Mont Kiara
50480 Kulalumpur
Malaysia, Wilayah Persekutuan
kulalumpur
Malaysia.
- 2.The Consulate General of Malaysia
No.7, (Old No.3) Cenotaph Road
1st Street
Teynampet
Chennai-600 018.
- 3.The Director General of Police
P.B.No.601, Dr.Radhakrishnan Salai
Mylapore
Chennai-600 004.
- 4.The Superintendent of Police
O/o.The Superintendent of Police
Thiruvallur.

.. Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's wife, by name, Roffina Raja, W/o.M.Vengaiyan, aged about 25 years, before this Court, and to set her at liberty.

For petitioner :Mr.Gilbert C.Pereira

For respondents :Mr.V.M.R.Rajentran,
Additional Public Prosecutor

O R D E R

(Order of the Court was made by S.NAGAMUTHU,J)

The petitioner is the husband of one Roffina Raja, aged 25 years. She is an Indian Citizen and a passport holder. It is alleged that after getting proper visa from Malaysian Government Authority, she left for Malaysia on 12.01.2015, along with her mother. Now, the allegation is that, the detainee has been illegally detained by somebody in Malaysia. With these allegations, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard, Mr.Gilbert C.Pereira, the learned counsel for the petitioner and Mr.V.M.R.Rajentran, the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. A perusal of the complaint made by the petitioner to the authorities, more particularly, to the police contains the following statement of the petitioner :-

"Today at 8.35 A.M. I spoke with my wife Mrs.Roffina through the ph# 00-60-1116395200. She said that she is living with Mr.Saranraj and she openly admitted that she has illegal contact with above said Mr.Saranraj and some more persons also the above said person Mr.Saranraj scolded me with filthy language".

This would go to show that the detainee has gone on her own accord with her mother to Malaysia and she is staying there.

4. Since, we are satisfied that there is no illegal detention, we are not in a position to issue any direction as prayed for in the petition. We are of the opinion that the petition deserves only to be dismissed. Accordingly, this Habeas Corpus Petition is dismissed.

-s/d-
Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

To

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O/o.The Superintendent of Police
Thiruvallur.

5. The Additional Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.J.Madanagopal Rao Advocate sr.11656

H.C.P.No.3007 of 2015

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