

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1246 of 2016

P.Navneethammal Petitioner/mother of the detenu

Vs

1. The State Rep by
The Inspector of Police,
T14, Mangadu Police Station,
Mangadu, Chennai-600 122.(Cr.No.807/16)

2. The State Rep. by
The Commissioner of Police,
Egmore, Chennai.

3. C.Sarathkumar

4. Chandrasekar

5. Tmt.Chandrasekar

6. D.Gunasekaran Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 1st respondent to produce the person named Mrs. Swathi w/o Sivaprasad D/o. Sathiyannarayana aged about 27 years, who is in the illegal custody of the respondents 3 to 5 and their men before this Court and to set her at liberty.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of one Swathi, wife of Sivaprasad, aged 27 years. On the allegation that she has been found missing from 10.04.2016, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is seen in the affidavit that in connection with the missing of Swathi, a complaint was made by the son of the petitioner to the first respondent upon which a case in Cr.No. 807 of 2016 was registered. In connection with the said case, the woman appeared before the first respondent on 15.4.2016. The petitioner had further stated that she requested the first respondent to produce her before the Court. Instead of producing her before the Court, according to the petitioner, she was allowed to go with the fifth respondent. This is the grievance of the petitioner.

4. The learned Additional Public Prosecutor submits that on 15.4.2016, on appearance before the police, Mrs. Swathi gave a statement that the marriage between her and her husband was out of compulsion and not out of willingness. She has further stated in that statement that her husband made lot of sexual harassment to her. Therefore, on her own accord, she had deserted her husband and she has been living separately. A copy of the statement has also been produced before this Court. This is not disputed by the petitioner.

5. In view of the above, since we do not find any illegal detention, there is no scope to issue any direction as prayed for. The petition is therefore, dismissed. It is open to the petitioner to work out her remedy in the civil court.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
T14, Mangadu Police Station,
Mangadu, Chennai-600 122.

2. The Commissioner of Police,
Egmore, Chennai.

3. The Public Prosecutor, High Court, Madras.

H.C.P.No.1246 of 2016

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