

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.7.2016

CORAM

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

H.C.P.No.1491 of 2016

Elumalai

..... Petitioner

Vs

1.State rep by,
The Inspector of Police,
Thirukovilur Police Station,
Villupuram District.

2. Ramu

..... 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 secure the body of the detainees who is Petitioner's wife namely Sivagami aged about 25 years old and minor son namely Arivarasan aged about 1.5 years old and to produce before this Court, who is under the illegal custody of the 2nd respondent.

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

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

The petitioner is the husband of one Sivagami, aged about 25 years and father of minor child by name Arivarasan aged about 1.5 years. According to the petitioner, they have been found missing from 11.6.2016. Hence, the petitioner gave a complaint to the first respondent suspecting that the second respondent has abducted his wife along with his child. Since the first respondent has not taken any steps to secure the detainees 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 first respondent.

3. From the averments in the complaint, it is clear that the detainee has eloped with the second respondent. Hence, we find there

is no illegal detention. However, the first respondent is directed to proceed with the investigation and take effective steps to secure the detainee and the minor child.

4. With this observation, the Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
Thirukovilur Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

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