

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2016

CORAM

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

H.C.P.No.1555 of 2016

J.Jayakumar

.....

Petitioner/Husband of the
Detenue

Vs

1. The State rep. by
Sub Inspector of Police,
G-5, Secretariat Colony Police Station,
Aynavaram, Chennai.

2. R.Vasanthan

.....

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the petitioner's wife Mrs.Suganya and son Dakshin, before this Court within the period stipulated by this Court and hand over the custody of Mrs.Suganya and Dakshin to the petitioner.

For Petitioner : Mr.J.Purushothaman

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

सत्यमेव जयते

ORDER

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

The petitioner is the husband of one Mrs.Suganya. They got a son by name Dakshin, who a minor. According to the petitioner, they have been found missing from 27.06.2016 onwards. In this regard, on a complaint made by the petitioner, the first respondent has registered a case in Cr.No.454 of 2016 on 04.07.2016 and the same is under investigation. But so far Mrs.Suganya and Dakshin have not been rescued by the police.

With this grievance, 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. We have also perused the records carefully.

3. The learned Additional Public Prosecutor submitted that Mrs.Suganya has eloped with the second respondent taking the child with her. Every effort is taken to find out her location. Investigation is taken in the right direction.

4. In view of the said statement made by the learned Additional Public Prosecutor and since we find that there is no illegal detention instead, there is prima facie case of elopement, we are unable to grant the relief as prayed for.

5. Accordingly, the Habeas Corpus Petition is dismissed. However, with a direction to the respondent police to continue the investigation expeditiously.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
G-5, Secretariat Colony Police Station,
Aynavaram, Chennai.

2.The Public Prosecutor, High Court, Madras.

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