

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.1574 of 2016

S. Karthikeyan

...Petitioner

Vs.

The State represented
by the Inspector of Police
P-6 Kodungaiyur Police Station
Vyasarpadi,
Chennai-600 039.

...Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondent direct the respondent, to produce the body of the petitioner's wife, namely, Mrs.Kamatchi, and his two children, namely, K.Tamizhselvan @ Santhose and K. Haripriya and his mother-in-law, namely, Mrs. Poongothai, before this Court and to set them at liberty.

For Petitioner	: M/s.B. Ganesha Moorthy
For Respondent	: Mr.V.M.R.Rajentren,
	Additional Public Prosecutor

ORDER

[Order of the Court was made by S. BASKARAN, J]

This Habeas Corpus Petition has been filed, praying that this Court may be pleased to direct the respondent, to produce the body of the petitioner's wife, namely, Mrs.Kamatchi, and his two children, namely, K.Tamizhselvan @ Santhose and K. Haripriya and also his mother-in-law, namely, Mrs. Poongothai, before this Court and to set them at liberty.

2. The petitioner has stated that he had married the detenu, namely, Kamatchi, on 12.6.2005 and he had two children, namely, K.Tamizhselvan @ Santhosh, aged about 11 years, and K. Haripriya, aged about 8 years.

3. According to him, they were living in Chennai. From 28.2.2015, the detenus were found missing from his residence. Hence, he had lodged a complaint on 6.3.2015 and the same had been registered in Cr.No.365 of 2015 on the file of the respondent. Since no effective steps had been taken by the respondent police, he has come forward with this petition.

4. Today, when the matter was taken up for hearing, the respondent police had produced the wife and the children of the petitioner herein. The petitioner and his counsel are also present.

5. On enquiry, the detenu, namely, Kamatchi, who is the wife of the petitioner, has stated that now she is residing in Bangalore and is working in a Garment Shop and her children are studying in a School at Bangalore. She had expressed her unwillingness to go along with the petitioner. It is stated by the detenu wife that she was ill-treated by the petitioner and she had expressed her apprehension that there may be threat to her life, as well as to her children.

6. In such circumstances, considering the reasons stated by the detenu wife we are of the view that the detenu wife should be set at liberty along with her children, to go as per her wish.

In view of the above, no further orders are necessary in this Habeas Corpus Petition. Hence, it is closed. However, it goes without saying that it may be open to the petitioner to seek his remedies, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rnb

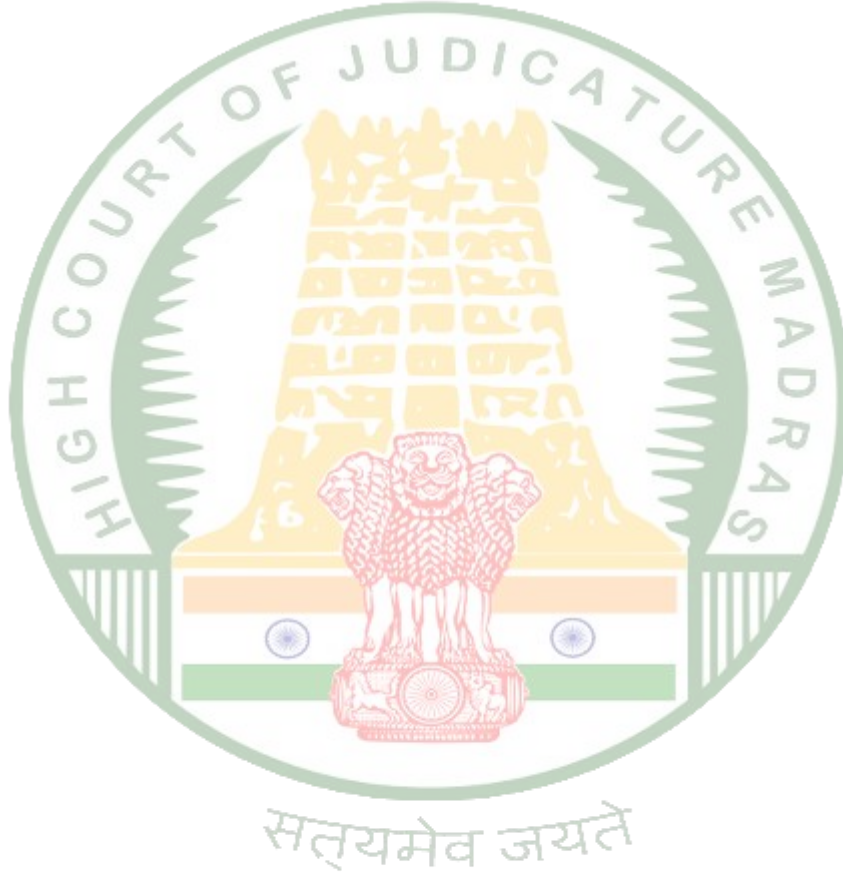
To

1.The Inspector of Police
P-6 Kodungaiyur Police Station
Vyasarpadi.

2.The Public Prosecutor
High Court, Madras.

PPA(CO)
RS(20/01/2017)

H.C.P.No.1574 of 2016



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