

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.2.2016

CORAM:

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

H.C.P.No.169 of 2016

Syed Bano

... Petitioner

Vs.

1. The Commissioner of Police
Office of the Commissioner of Police
Chennai
2. The Deputy Commissioner of Police
Office of Commissioner of Police
Pulianthope
Chennai
3. The State rep by
Inspector of Police Station
P-6 Kodungaiyur Police Station
Chennai

... Respondents

H.C.P. has been filed to issue a writ of Habeas Corpus to direct the respondents herein to produce the body of the detenu by name Imran s/o.Abdul Agiz, aged about 29 years, before this Court and set him at liberty.

For petitioner : Mr.J.Samiullah

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

O R D E R

(The Order of the Court was made by M.JAICHANDREN J.,)

This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents to produce the detenu, namely, Imran, son of Abdul Agiz, aged about 29 years, before this Court and to set him at liberty.

2. The petitioner is the wife of the detenu. The petitioner has lodged a complaint with regard to the illegal detention of her husband. However, the third respondent Police has refused to register the same. Therefore, the petitioner has sent an online complaint through the Tamil Nadu Government Police Portal, on 1.2.2016.

3. From the facts of the case, we find that the petitioner, on registering the online complaint, on 1.2.2016, has rushed to this Court by filing the present Habeas Corpus Petition, on 2.2.2016. The filing of the Habeas Corpus Petition is not the remedy open to the petitioner, if a complaint lodged by the petitioner is refused to be taken on file by the police concerned. Therefore, the present Habeas Corpus Petition, filed by the petitioner, is premature in nature. Hence, the Habeas Corpus Petition stands dismissed. However, we make it clear that it would be open to the petitioner to seek her remedies, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To:

1. The Commissioner of Police
Office of the Commissioner of Police
Chennai
2. The Deputy Commissioner of Police
Office of Commissioner of Police
Pulianthope
Chennai
3. The Inspector of Police Station
P-6 Kodungaiyur Police Station
Chennai
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Samiullah, Advocate, S.R.No.8050

H.C.P.No.169 of 2016

CA(CO)
CA(01/03/2016)