

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

ORAM

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

H.C.P.No.1744 of 2016

R.Suresh

... Petitioner

1.The Superintendent of Police,
Villupuram District,
Villupuram.

2.The Station House Officer,
Kallakurichi,
Villupuram District.

3.Kishore

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the detainee namely 1.Kavitha w/o.Suresh, aged about 27 years, 2.Deva, son of Suresh, aged about 10 years, 3.Devisri, D/o.Suresh, aged about 5 years before this Court and to set them at liberty.

For Petitioner : Mr.R.Kumaravel

For Respondents : Mr.V.M.R.Rajendren,
Addl. Public Prosecutor
for R1 and R2

O R D E R

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

This habeas corpus petition has been filed by the husband of the detainee, namely, Kavitha, aged about 27 years, praying that this Court may be pleased to direct the respondent police to produce his wife and his two minor children, before this Court, and to set them at liberty.

2. It has been stated that the detainee, aged about 27 years, has been missing from 10.06.2016. Therefore, the petitioner had preferred a complaint before the first respondent

police. The said complaint had been given CSR No.248 of 2016. Since no effective steps had been taken, to trace the detenue and his two children, the petitioner has come forward with the present habeas corpus petition before this Court.

3. Today, when the matter was taken up for hearing, the respondent police had produced the detenue along with her two children, before this Court. The husband of the detenue was also present. On enquiry, the detenue had stated that due to some personal dispute with the petitioner, she went away to Bombay and on her return home, she was secured, along with her two children, by the Police at Salem Railway Station. The detenue had further stated that she is willing to go along with her husband, the petitioner herein. The petitioner also had expressed his willingness to take back the detenue and his two children and to take care of them properly.

4. Considering the facts and circumstances of the case and also the fact that the detenue is willing to go along with her husband, the petitioner herein, we are inclined to close the habeas corpus petition, setting the detenue and her two children, at liberty, to go along with the petitioner, as per the wish of the detenue. Accordingly, the habeas corpus petition stands closed.

Sd/-
Asst.Registrar (CS V.)

/true copy/

Sub Asst. Registrar

msk

To

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Station House Officer,
Kallakurichi,
Villupuram District.
- 3.The Additional Public Prosecutor
High Court, Madras.

1 cc to Mr.R.Kumaravel, Advocate, Sr. 60605

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VGI (CO)
kk 15/11