

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-02-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MRS.JUSTICE S.NAGAMUTHU

H.C.P.No.221 of 2016

E.Hemkumar

... Petitioner/Husband
of the Detenu

Versus

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

2. The Sub-Inspector of Police,
Mangadu Police Station,
Chennai-122.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for a Writ of Habeas Corpus, directing the second respondent to produce the petitioner's wife Vimala, daughter Jayani and Son Bharath in connection with the complaint given by the petitioner, dated 30.1.2016, on the file of the 2nd respondent police.

For Petitioner : Mr.E.C.Ramesh

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

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

2. This Habeas Corpus Petition has been filed praying that this court may be pleased to direct the second respondent to produce the wife of the petitioner, namely, Vimala, daughter Jayani and son Bharath and to set them at liberty.

3. The petitioner has stated that the marriage between the petitioner and his wife Vimala had been solemnized, on 14.2.2009, as per Hindu religious customary rites. They have two

children out of their marriage. The petitioner is working as an Electrician. While so, on 20.1.2016, when he had returned home from his work he had found that his wife, daughter and his son Bharath were missing. Therefore, he had lodged a complaint before the second respondent police, on 30.1.2016. The said complaint had been registered by the said respondent, in Crime No.182 of 2016, as a woman missing case. Since the respondent did not take effective steps to produce them, he has preferred the present Habeas Corpus Petition.

4. Today, when the matter had been listed before this Court, the second respondent police had produced Vimala, the wife of the petitioner, daughter Jayani and son Bharath. On being enquired, the wife of the petitioner, namely, Vimala, had stated that she had left her matrimonial home due to a quarrel between the petitioner and herself. She had further stated that they are living together in the matrimonial home, at present.

5. In view of the statement made by the wife of the petitioner, namely, Vimala, who has been produced before this court, along with her children, by the second respondent police, we find it appropriate to permit the petitioner's wife Vimala, daughter Jayani and son Bharath to go with the petitioner herein, as per her wish. The Habeas Corpus Petition stands closed, as no further orders are necessary. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

csh

To

1. The Superintendent of Police,
Tiruvallur, Tiruvallur District.
2. The Sub-Inspector of Police,
Mangadu Police Station,
Chennai-122.
3. The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.221 of 2016

VGI (CO)
CA(16/03/2016)