

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

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

H.C.P.No.2019 of 2016

Mr.A.Arul

...Petitioner

Vs.

1.State represented by
the Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore District.

2.The Superintendent of Police
Office of the Superintendent of Police
Coimbatore.
Coimbatore District.

(Second respondent is impleaded
as per the order of this Court
in CrI.M.P.No.10006/16)

..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, namely, Mrs.Joshbin, aged about 33 years, and his son, Aadhesh, aged about 4 years, before this Court and set them at liberty.

For Petitioner
For Respondents

: M/s.G.Balamanikandan
: Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

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

This petition has been filed, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the

respondents to produce the petitioner's wife, namely, Mrs. Joshbin, aged about 33 years and his son, namely, Aadesh, aged about 4 years, before this Court and to set them at liberty.

2. According to the petitioner, his wife, namely, Mrs. Joshbin and his son, namely, Aadesh, were missing from 12.7.2016 and he has lodged a complaint on 16.7.2016 with the first respondent police and a case was registered in Cr.No.324 of 2016 on the file of the Periyanaickenpalayam Police Station, Coimbatore. Since no effective steps had been taken, the petitioner has come forward with the present Habeas Corpus Petition.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor has filed a status report stating that the wife of the petitioner had illegal intimacy with one Mohammed Aasim and therefore, she had gone with him along with the child. Further, it is stated that the petitioner's wife had filed a petition in I.D.O.P.No.252 of 2016 seeking dissolution of the marriage and the said case was posted for hearing on 21.11.2016.

4. It is apparent that the wife of the petitioner has filed a petition seeking dissolution of marriage on her own and the case was posted for hearing on 21.11.2016 and therefore, we are of the view that she could not have been detained by anybody else illegally.

In such circumstances, we are of the considered view that no further orders are necessary in this petition. Hence, the petition stands closed. However, we direct the respondents to continue the investigation and take appropriate action in the manner known to law.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

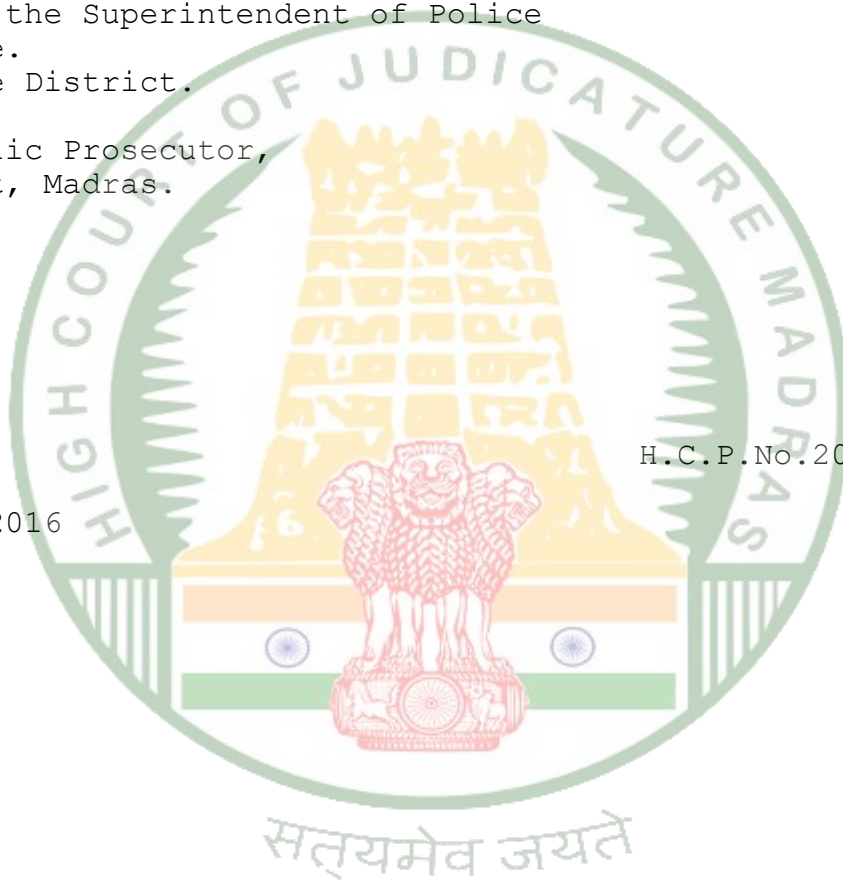
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Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

co(rsy)
CP 29/12/2016

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