

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM:

The Hon'ble Mr.Justice M.Jaichandren

and

The Hon'ble Mr.Justice S.Baskaran

H.C.P.No.2026 of 2016

Narmadha

.... Petitioner

Vs

State of Tamil Nadu, rep.by

1. The Inspector of Police,
All Women's Police Station,
Thiruvallur District.

2. E.Sagadevan

3. S.Srinivasan

R-3 impleaded as per the order passed by this Court,
today in CrI.M.P.No.10891 of 2016 of this H.C.P.

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body and person of the detenu, petitioner's husband, viz., S.Srinivasan, aged 28 years before this Court, and to set him at liberty and restore him to the custody of the petitioner.

For Petitioner

: Mr.Vimal B. Crimson

For Respondent-1

: Mr.V.M.R.Rajentren

For Respondent -3

Additional Public Prosecutor

: Mr.D.Umashankar

O R D E R

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

This Habeas Corpus Petition had been filed by the petitioner, praying that this Court may be pleased to issue a direction to the first respondent to produce her husband, viz., S.Srinivasan, aged about 28 years, said to be in the illegal custody of the second respondent, before this Court, and to set him at liberty.

2. Heard the learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing for the first respondent, and the learned counsel appearing on behalf of the newly impleaded third respondent. Considering the nature of order to be passed herein, we are of the view that the second respondent need not be served with notice. Accordingly, notice to the second respondent is dispensed with.

3. The learned counsel appearing for the newly impleaded third respondent, viz., detenu submitted that the detenu filed a Petition against the petitioner for divorce, in H.M.O.P.No.3322 of 2016, on the file of I Additional Family Court, Chennai, and the same was allowed, and the marriage between the petitioner and the detenu was dissolved. According to the learned counsel, the detenu is staying away from the petitioner due to the harassment caused by her. Further, the marriage between the petitioner and the detenu is no longer in existence and the same was set aside, as per the order passed by the Family Court, in H.M.O.P.No.3322 of 2016.

4. In the light of the above facts and circumstances of the case, it is clear that the detenu is staying away from the petitioner, on his own will, and that too, after getting divorce. In such circumstances, we feel that nothing survives in this Habeas Corpus Petition for adjudication. Hence, the Habeas Corpus Petition stands dismissed.

Sd/

Assistant Registrar CS - III

/True copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
All Women's Police Station,
Thiruvallur District.
2. The Public Prosecutor,
Madras High Court, Madras.

+1cc to MR.VIMAL B.CRIMSON ADVOCATE SR.NO.58708

SDR 12.11.2016

H.C.P.No.2026 of 2016



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