

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

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

H.C.P.No.2130 of 2016

Francis Marie .. Petitioner

-vs-

- 1.The State rep.by
the Inspector of Police,
Flower Bazaar Police Station,
Chennai.
- 2.The Commissioner of Police,
Vepery, Chennai. .. Respondents

Petition under Article 226 of the Constitution of India, for issuance of a Writ of Habeas Corpus, directing the respondents to produce the detenu, James, s/o.Irudayaraj and set him at liberty.

For Petitioner :: Mr.T.Nirmaleswar

For Respondents:: Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner to direct the respondents to produce her husband by name James before this Court and set him at liberty.

2.According to the petitioner, her husband went missing from 04.09.2016 and subsequently she lodged a complaint with the first respondent police on 08.09.2016 and a case was registered in Crime No.1042 of 2016. Since the respondent police was not taking effective steps to trace the detenu, the petitioner has come up with this Habeas Corpus Petition.

3.Today, when the matter was taken up, the learned Additional Public Prosecutor filed a status report in which it is stated that the detenu, who is married to the petitioner, has stated that he is now living with one Sumitha, wife of Suresh. It is further stated that the said Suresh has also lodged a complaint about his wife missing.

4. According to the status report dated 01.11.2016 filed by the first respondent Police, it is admitted that the detenu, on his own volition, has left the petitioner and living with another lady. In such circumstances, the alleged detenu is not under the illegal custody of anybody. Hence, no further orders are necessary to be passed in this Habeas Corpus Petition and the Habeas Corpus Petition is closed. However, the respondent police is directed to pursue further investigation and take appropriate steps as per law.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police,
Flower Bazaar Police Station,
Chennai.

2.The Commissioner of Police,
Vepery, Chennai.

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1 cc to Mr.T.Nirmaleswar,advocate,sr.62683

gj(co)
krd 1/12

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सत्यमेव जयते

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