

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram:

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

H.C.P.No.217 of 2016

Mr.Varun Joneswin Rajan

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
Adyar Range,
Adyar, Chennai.

3.The Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai.

4.Kavita Vinjamuri

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to produce the body and person of the detenu by name Mrs.Kavya Sri Vinjamuri, aged 22 years, wife of the petitioner herein before this Court and set her at liberty.

For Petitioner : Mr.J.Ramesh

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

O R D E R

(The order of the Court was made by M.JAICHANDREN.,J)

This Habeas Corpus Petition has been filed, praying that this Court may be pleased to direct the respondents 1 to 3 to produce the detenu by name, Mrs.Kavya Sri Vinjamuri, aged 22 years, the wife of the petitioner, who is in the illegal detention of the fourth respondent and set her at liberty.

2.The petitioner, husband of the detinue has filed this Habeas Corpus Petition, stating that the petitioner had married the detinue on 05.01.2016. The detinue is a citizen of the United States of America. The marriage had been registered under the Indian Christians Marriage Act, at the office of the Registrar General of Births, Deaths and Marriages, Chennai. * While so, the fourth respondent, the mother of the detinue had taken her away, on 12.01.2016, without the consent of the petitioner. Therefore, the petitioner had lodged a complaint before the third respondent, on 29.01.2016. Since, no steps have been taken by the third respondent to trace the detinue and to hand over custody of the detinue to the petitioner, he is before this Court with this Habeas Corpus Petition.

3.At this stage, of the hearing of the matter, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, had submitted that the detinue, the wife of the petitioner is living with her mother, the fourth respondent herein and her brother, at Vijayawada, State of Andhra Pradesh. He has further submitted that the detinue is staying with the mother, on her own volition and her safety is not in question. It has also been further submitted that the petitioner has not been co-operating with the Police during enquiry.

4.In view of the submissions made by the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, we are of the considered view that, the detinue is living along with her mother and brother, at Vijayawada, State of Andhra Pradesh, on her own volition and there is no illegal custody of the detinue, as alleged by the petitioner, in the present Habeas Corpus Petition.

5.In the result, this Habeas Corpus Petition is dismissed. However, it goes without saying that it will be open for the petitioner to work out his remedies, in the manner known to law.

-s/d-

Assistant Registrar

Dated : 17.03.2016

***Deleted as per Order**

dated 28.03.2016 made in

H.C.P.No.217 of 2016

Sd/- Assistant Registrar (CS II)

Dated : 12.04.2016

True Copy

Sub-Assistant Registrar

kmk

To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

To be Substituted to the

2.The Deputy Commissioner of Police,
Adyar Range,
Adyar, Chennai.

Order already despatched

3.The Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai.

on 12.03.2016

4.The Public Prosecutor,
High Court, Madras.

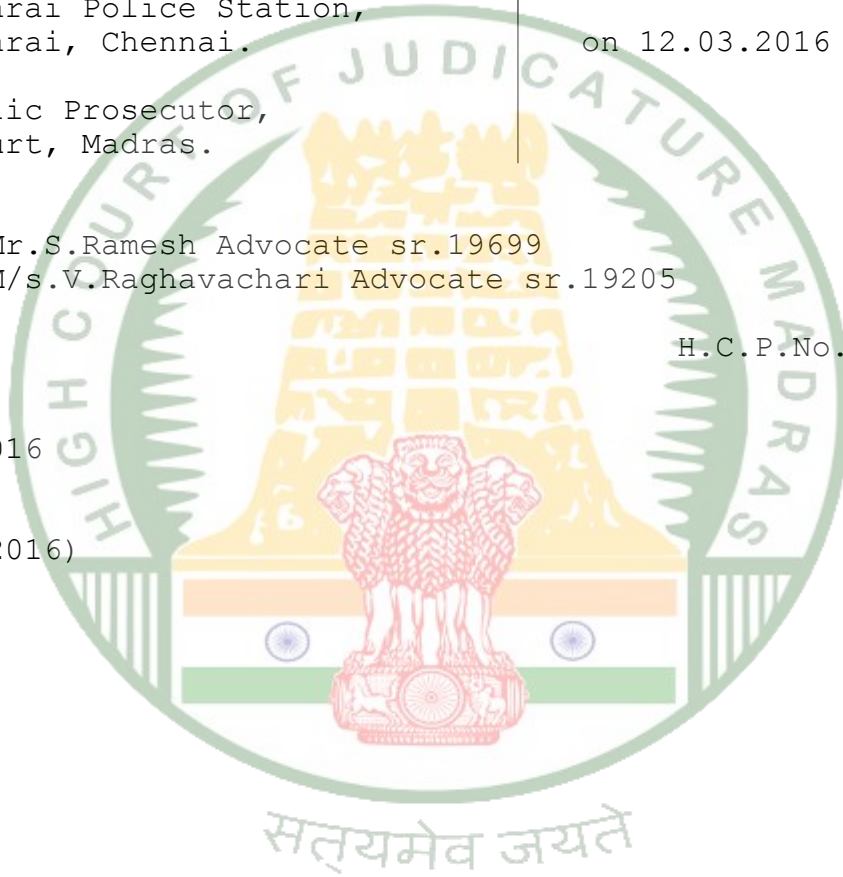
+1 cc to Mr.S.Ramesh Advocate sr.19699

+1 cc to M/s.V.Raghavachari Advocate sr.19205

H.C.P.No.217 of 2016

aa17/03/2016

RSI (CO)
CA(12.04.2016)



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