

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

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

H.C.P.No.2212 of 2016

G. Baskar ...Petitioner/Husband of the detenue
Vs.

1.The Commissioner of Police
Vepery, Chennai-7.
2.The Deputy Commissioner of Police
Anna Nagar, Chennai.
3.The Inspector of Police
K-10, Koyambedu Police Station
Chennai-107.
4.Madhan
5.Thiruvambal
6.Dharmar

..Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the detenue Thenmozhi, Wife of Baskar, who is now under the illegal custody of the respondents 4 to 6, before this Court and to set her at liberty.

For Petitioner
For Respondent
1 to 3

: M/s.K. Murugesan
: Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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

This petition has been filed by the petitioner seeking a direction to the respondents to produce his wife, namely, Thenmozhi, who is now under the illegal custody of the respondents 4 to 6, before this Court and to set her at liberty.

2. The petitioner has stated that he had married the detenue on 6.6.2011 and out of their wedlock, they had got a female child.

3. According to him, the detenue is missing from 7.6.2016 and he had lodged a complaint with the third respondent police. As no action was taken on the complaint, on 9.9.2016, again the petitioner had lodged a complaint with the first respondent police and a receipt was given in C.No.4165 of 2016. Thereafter, the complaint was forwarded to the second respondent. When the second respondent was approached, the petitioner was directed to approach the third respondent. Based on the instruction of the third respondent, a fresh complaint was given by the petitioner on 23.9.2016 and C.S.R.No.486 of 2016 was given.

4. According to the petitioner, the detenue, who is his wife, aged about 23 years, is in the illegal custody of the respondents 4 to 6. As no effective steps had been taken by the third respondent, the petitioner has come forward with this petition.

5. The learned Additional Public Prosecutor has filed a status report, wherein it is stated as follows:-

"6.It is submitted that meanwhile, I have obtained CD file in connection with Kedar P.S.Crime No.68/2016 u/s."Women Missing" registered on 6.5.2016 regarding the detenue missing and after knowing regarding the missing complaint about her, the detenue voluntarily came to the police station on 4.6.2016 and stated that she is living with her husband at Thumbur Colony, Villupuram District along with her child and small disputes happened frequently between them and due to that on 4.5.2016 the detenue left the house and sat on one Prabhu Sugarcane field, and he enquired her for that she replied there is dispute between her and her husband and also the detenue asked his phone and called on Muthu to drop her at Bus stand. Muthu came there and left her at Bus stand. Then the detenue went to his friend's (by name Chitra) house at Tiruppur and stay there and work along with her at Kumar Textile Shop. After hearing the missing complaint about her and she came to know that the police enquiring Prabhu, Muthu and Kanthan, who helped her which was not liked by her, so the detenue itself voluntarily came to

the station on 4.6.2016 and further she stated that she is not willing to live with her husband and also not willing to go with her parents and she has also stated that again she will go to Tiruppur to work and stay with her friend. Later the detenu produced before the Villupuram Court and since the detenu is major, the court said that she live her life as her wish."

6. He has also produced the copies of statements recorded from the detenu Thenmozhi.

7. It is clear from the statements of the detenu that she had left the home on her own and now she is working at Tiruppur. She has also categorically stated that she is not willing to go back and live with her husband, the petitioner herein.

8. Further, in the status report filed today, it is stated that the detenu was produced before the Judicial Magistrate Court No.II, Villupuram, and she was set at liberty.

9. From the statements of the detenu as well as the status report filed by the learned Additional Public Prosecutor, it is clear that the detenu is not in the illegal custody of anybody and she had left the home on her own. When she was produced before the Court, she had categorically stated that she was not willing to live with the petitioner.

10. In such circumstances, the plea of the petitioner cannot be entertained. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the petitioner to work out his remedy before the appropriate forum, in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rnb

To

1.The Commissioner of Police
Vepery, Chennai-7.

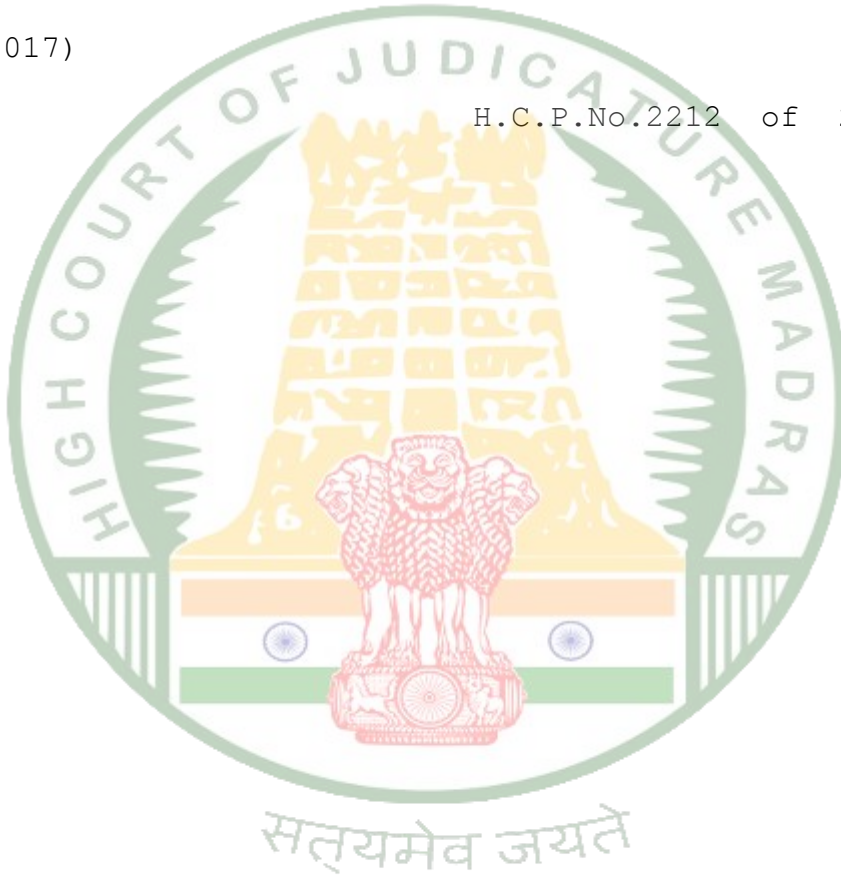
2.The Deputy Commissioner of Police
Anna Nagar, Chennai.

3.The Inspector of Police
K-10, Koyambedu Police Station
Chennai-107.

4.The Public Prosecutor
High Court, Madras.

ppa (CO)
md(09/01/2017)

H.C.P.No.2212 of 2016



WEB COPY