

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 3.11.2016

CORAM

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

H.C.P.No.2350 of 2016

A. Lavanya

...Petitioner

Vs.

1.The Superintendent of Police
Collector Office Road
Villupuram
Tamil Nadu-605 602.

2.The Inspector of Police
All Women Police Station
Tirukoilur
Villupuram District
Tamil Nadu - 605 701.

3.Mrs. Thamarai Selvi

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the person and body of the petitioner's husband, namely, Raghu, Son of Moorthy, aged about 28 years, before this Court and hand over his custody to the petitioner.

For Petitioner

: M/s.V. Manisekaran

For Respondents

: Mr.V.M.R.Rajentren,

Additional Public Prosecutor

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ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

2. The petitioner has filed the present Habeas Corpus Petition, praying that this Court may be pleased to direct the respondents 1 and 2 to produce her husband, namely, Raghu, aged about 28 years, before this Court and to set him at liberty.

3. The petitioner has stated that she had married the detenu, on 10.4.2015, at Bangalore, as per the Hindu customs and rites. Thereafter, they have been living together, happily.

4. While so, the third respondent, who is the mother-in-law of the petitioner, had caused certain problems in the family. Therefore, the petitioner had lodged a complaint before the All Women Police Station, Thirukoilur. The petitioner and her husband have been living together in a rented house.

5. While so, the detenu had gone missing on 21.6.2016. Therefore, the petitioner had filed a complaint before the second respondent, on 4.8.2016, which had not been registered and therefore, she had lodged a complaint before the first respondent on 9.9.2016, and the same had been registered, on 27.9.2016, in Cr.No.14 of 2016. Since no effective steps had been taken by the respondents 1 and 2 to trace the detenu, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

6. From the records available before this Court, it is noted that the petitioner had stated in her complaint, dated 9.9.2016, that the detenu had gone away with one Ajantha. It has also been stated in the complaint of the petitioner that the detenu had married the said Ajantha on 27.9.2016, at Thirukoilur and the said marriage had also been registered. However, the petitioner had not made any complaint that the detenu is in the illegal custody of any person.

7. In such circumstances, we do not find sufficient cause or reason to grant the relief as prayed for by the petitioner. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the petitioner to seek her remedies, if any, before the appropriate forum, in the manner known to law.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police
Collector Office Road
Villupuram
Tamil Nadu-605 602.

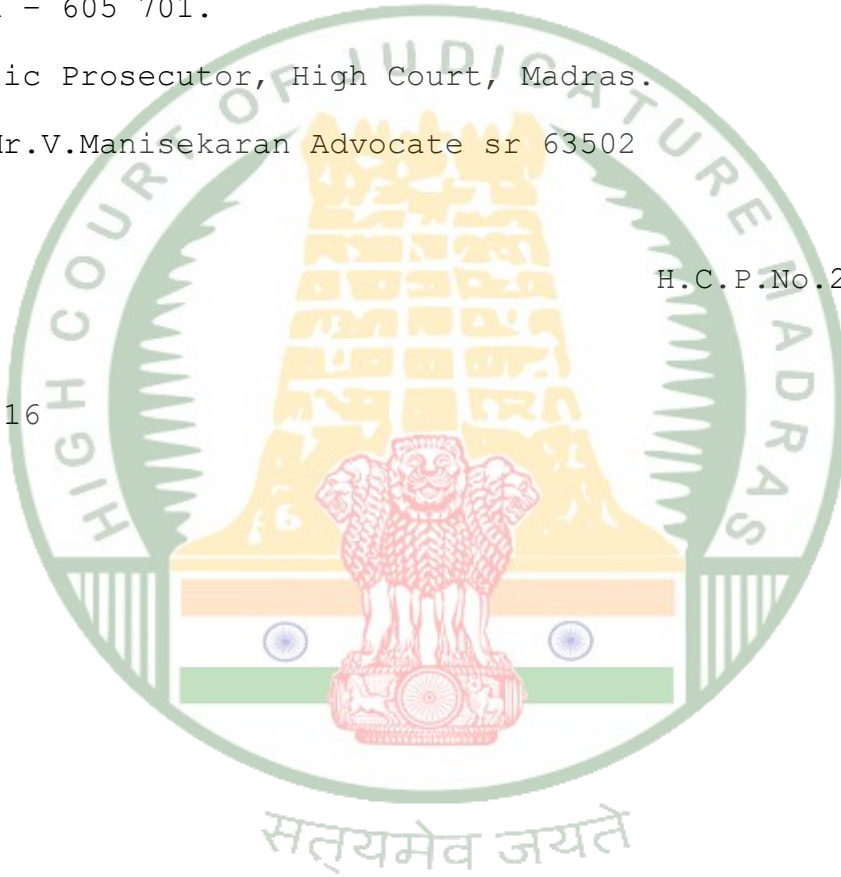
2.The Inspector of Police
All Women Police Station
Tirukoilur
Villupuram District
Tamil Nadu - 605 701.

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.V.Manisekaran Advocate sr 63502

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