

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

Coram:

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

H.C.P.No.244 of 2016

R.Esakidurai

.. Petitioner

vs.

1. The Inspector of Police,
K.11 Police Station,
Koyambedu, Chennai-107.

2. Chitiravel

.. Respondents

H.C.P. has been filed for a writ of Habeas Corpus directing the 1st respondent herein to trace out the petitioner's wife Gunasundari, who is under the custody of the 2nd respondent, secure her, release from illegal confinement, produce her before this Court and set her at liberty.

For petitioner : Ms.Gajalakshmi Rajendran

For 1st Respondent : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor (Crl.side)

For 2nd respondent : Mr.J.Jayendra Krishnan

O R D E R

Though this Habeas Corpus Petition is not listed today in the Cause List, the above Habeas Corpus Petition is taken up for hearing, by way of Special List, on being mentioned by the learned Additional Public Prosecutor, that the detainee would be produced before this Court.

2. This Habeas Corpus Petition has been filed by the husband of the detainee, namely, Gunasundari, to produce her, before this Court and to set her at liberty.

3. The petitioner has stated that, while he has been working with the detainee, at Saravana Thanga Nagai Maligai, T.Nagar, Chennai, the marriage had been performed between them and after the marriage, they had been living together, at Ulundurpet. Thereafter, on 31.01.2014, the detainee had gone missing. The

petitioner had lodged a complaint, before the 1st respondent, on 01.02.2016, requesting him to trace the detainee Gunasundari. Since no steps have been taken by the 1st respondent, the petitioner has filed the present Habeas Corpus Petition before this Court.

4. Today, the detainee Gunasundari is present before this Court, along with her Counsel.

5. On enquiry, the detainee had stated that she had left the matrimonial home, due to certain differences with her husband. She has further stated that she would like to go along with her mother, namely, Palaniammal, who is also present before this Court.

6. In such circumstances, we are of the view that no further orders are necessary in this Habeas Corpus Petition as the detainee is a major and she is at liberty to go along with her parents, as per her wish. Hence, the Habeas Corpus Petition is dismissed. However, it is open to the petitioner to pursue his remedy, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To:

1.The Inspector of Police,
K-11 Police Station,
Koyambedu, Chennai-600 107.

2.The Public Prosecutor,
High Court, Madras-104.

+1cc to Ms.Gajalakshmi Rajendran, Advocate, S.R.No.9715
+1cc to Mr.J.Jayendrakrishnan, Advocate, S.R.No.9598

H.C.P.No.244 of 2016

kgk (CO)
srg (17/03/2016)