

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.2477 of 2016

N. Manjula

...Petitioner

Vs.

1.The State represented
by its Commissioner of Police
O/o Commissioner of Police
Coimbatore.

2.The Inspector of Police
B-6 Police Station
Peelamedu, Coimbatore.

3.K.Gandhimathi

...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 body of the petitioner's husband, namely, Krishnakanth, who is in the illegal custody of the third respondent, before this Court and to set him at liberty.

For Petitioner : M/s.A. Ansar

For Respondents Nos.1& 2 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

For Respondent No.3 : No appearance

ORDER

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

Heard.

2. This Habeas Corpus Petition has been filed by the wife of the detenu, praying that this Court may be pleased to direct the first and the second respondents herein, to produce the body of the petitioner's husband, namely, Krishnakanth, who is in

the illegal custody of the third respondent herein, before this Court and to set him at liberty.

3. It has been stated that the detenu is in the illegal custody of the third respondent, who is his mother.

4. It has been further stated that the petitioner could not have any access to the detenu, from the year, 2014. Her repeated attempts to speak with him had failed.

5. The learned counsel appearing on behalf of the petitioner has stated that the detenu is staying with his mother, who is the mother-in-law of the petitioner herein.

6. In such circumstances, the petitioner had preferred a complaint, dated 24.10.2016, before the respondents 1 and 2. As there was no response from the respondent police, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

7. In view of the averments made in the affidavit filed in support of the Habeas Corpus Petition and in view of the submissions made by the learned counsel appearing on behalf of the petitioner, we do not find any cause or reason to grant the relief, as prayed for by the petitioner.

8. It is clear from the submissions made by the petitioner that the detenu is staying along with his mother, from the year 2014. It has not been stated as to whether the petitioner had taken any steps, for the restitution of conjugal rights, in the manner known to law.

9. In such circumstances, we are of the view that the Habeas Corpus Petition deserves to be dismissed. Accordingly, it is 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.

sd/
Assistant Registrar

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Sub Assistant Registrar

rnb

To

1.The State represented
by its Commissioner of Police
O/o Commissioner of Police
Coimbatore.

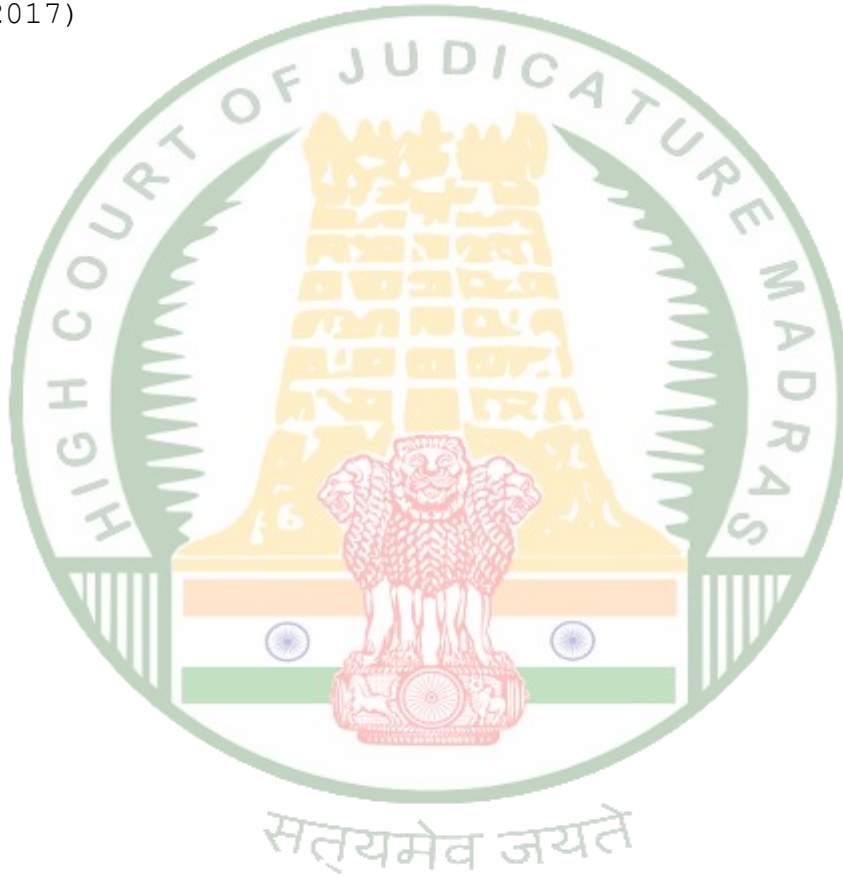
2.The Inspector of Police
B-6 Police Station
Peelamedu

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Ansar, Advocate SR. No.68272

H.C.P.No.2477 of 2016

PPA (CO)
GN (24/01/2017)



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