

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

Coram:

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

H.C.P.No. 313 of 2016

V.Kalaivani

.. Petitioner

vs.

- 1.The Commissioner of Police
Vepery, Chennai.
- 2.Deputy Commissioner of Police
G.N.T.Salai, Madhavaram
Chennai-600 110.
- 3.Assistant Commissioner of Police
Ennore Range
Ennore, Chennai-600 057.
- 4.The Inspector of Police
M-8, Sathankadu Police Station
Sathankadu, Chennai-600 019.
- 5.The Inspector of Police
All Women Police Station
Ennore, Chennai.

.. Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's husband, viz., M.Baskar, S/o.Maharajan, aged about 36 years, before this Court and set him at liberty.

For petitioner :Mr.S.Arivazhagan
For respondents :Mr.V.M.R.Rajentren,
Additional Public Prosecutor

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is the wife of the detenu M.Baskar, aged about 36 years. She lodged a complaint before the 5th respondent police on 30.11.2015 alleging that her husband has been illegally detained by one Malarvizhi. After receiving the complaint from the petitioner, the complaint was transferred to the 4th respondent. Since, no effective steps were taken to trace the detenu, the petitioner has come forward to file the present Habeas Corpus Petition seeking the production of the detenu before this Court and to handover his custody to the petitioner.

2. Mr.S.Arivazhagan, the learned counsel appearing for the petitioner, would submit that the petitioner's grievance is that her husband told her that he was going to Bangalore on 16.11.2015. Thereafter, he did not return, the petitioner contacted her husband over phone. He told her that he has married a girl, by name, Malarvizhi. Thereafter, the petitioner tried to contact him over his mobile phone, but, it was switched off and hence, left with no other option, the petitioner has lodged a complaint. He would further submit that the complaint disclose a commission of cognizable offence, but, the 4th respondent police has not yet taken any action and hence, she has come forward to file the Habeas Corpus Petition and prays for appropriate orders.

3. Per contra, Mr.V.M.R.Rajentren, the learned Additional Government Pleader, appearing for the respondents would submit that since, the complaint is of recent origin, the matter has been enquired into.

4. We have considered the rival submissions.

5. In our considered opinion, if the petitioner is really aggrieved by the non-registration of the complaint, the appropriate remedy is to approach the competent forum and therefore, the invocation of the remedy under Article 226 of the Constitution of India is unsustainable and that apart, it is not the case of illegal detention. Therefore, the Habeas Corpus Petition is dismissed. However, the petitioner is granted liberty to work out her remedy in accordance with law.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police
Vepery, Chennai.

2.Deputy Commissioner of Police
G.N.T.Salai, Madhavaram
Chennai-600 110.

3.Assistant Commissioner of Police
Ennore Range, Ennore
Chennai-600 057.

4.The Inspector of Police
M-8, Sathankadu Police Station
Sathankadu
Chennai-600 019.

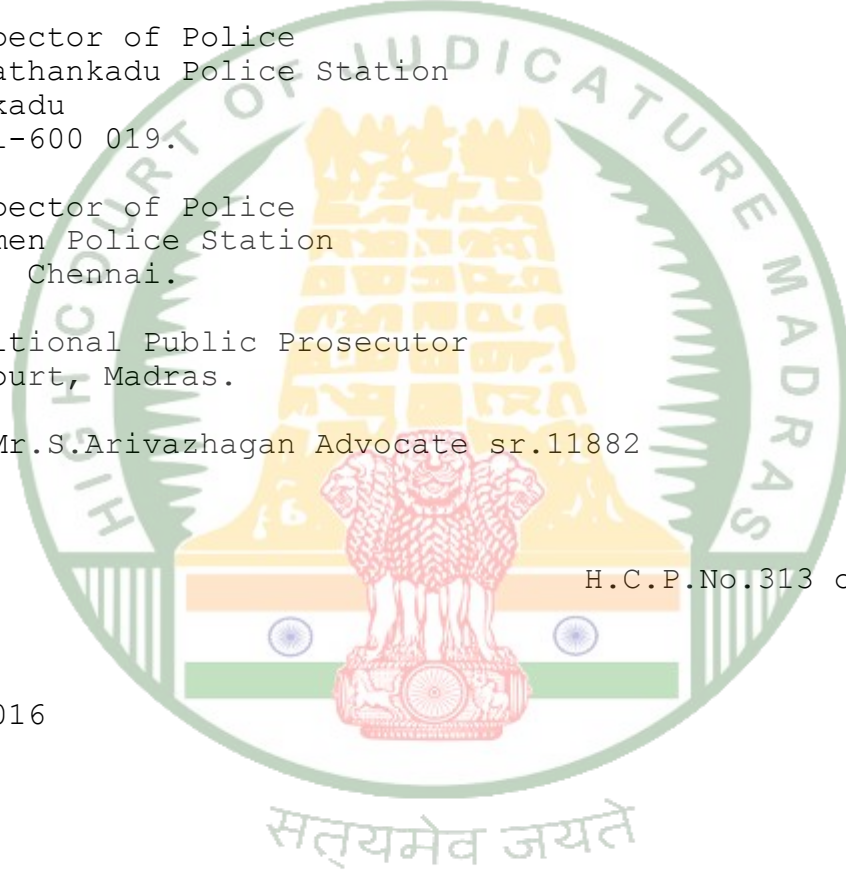
5.The Inspector of Police
All Women Police Station
Ennore, Chennai.

6.The Additional Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.Arivazhagan Advocate sr.11882

H.C.P.No.313 of 2016

svl(co)
aa14/03/2016



WEB COPY