

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HONOURABLE MR . JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

H.C.P.No.410 of 2016

M.Sudharsan

... Petitioner/Husband of the
detenue

-Vs-

1.State rep by its
The Superintendent of Police
Vellore District
Vellore.

2.State rep by its
The Inspector of Police
Arakkonam Town Police Station
Vellore District.

3.X.Melvin

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of direction, in the nature of Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the detenue petitioner's wife Suvathi, aged about 26 years, now under the illegal custody of the 3rd respondent and set the detenu at liberty forthwith.

For Petitioner : Mr.D.Dayalan
For RR1 and 2 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor
For R3 : Mr.I.Paul Nobel Devakumar

O R D E R

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

This Habeas Corpus Petition had been filed praying, that this Court may be pleased to direct the first and the second respondents, to produce the detainee, who is said to be under the illegal custody of the third respondent, before this Court and to set her at liberty, forthwith.

2. The petitioner had stated that he is the husband of the detainee. Their marriage had been solemnized on 23.06.2008. Out of the wedlock, they have a female child by name Sharlin, aged about 6 years. From 10.02.2016, the detainee had been missing. Therefore, the petitioner had lodged a complaint before the second respondent, on 20.02.2016. The said complaint had been registered by the second respondent as a "woman missing" case, in Cr.No.110 of 2016. Since no effective steps had been taken by the second respondent, to trace the detainee, the petitioner had preferred the present Habeas Corpus Petition, before this Court.

3. Today, when the matter had been listed for hearing, the detainee had appeared before this Court and had stated that due to certain disputes with the petitioner, she had left the matrimonial home. However, she had stated that she does now know the third respondent. She had further stated that she would like to be on her own and that she does not want to go along with the petitioner. In such circumstances, we are of the considered view, that the relief prayed for by the petitioner, cannot be granted, by this Court, at this stage. Hence, this Habeas Corpus Petition stands dismissed.

-s/d-
सत्यमेव जयते Assistant Registrar (CSIV)

True Copy

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Sub-Assistant Registrar

gms

To

1.The Superintendent of Police
Vellore District
Vellore.

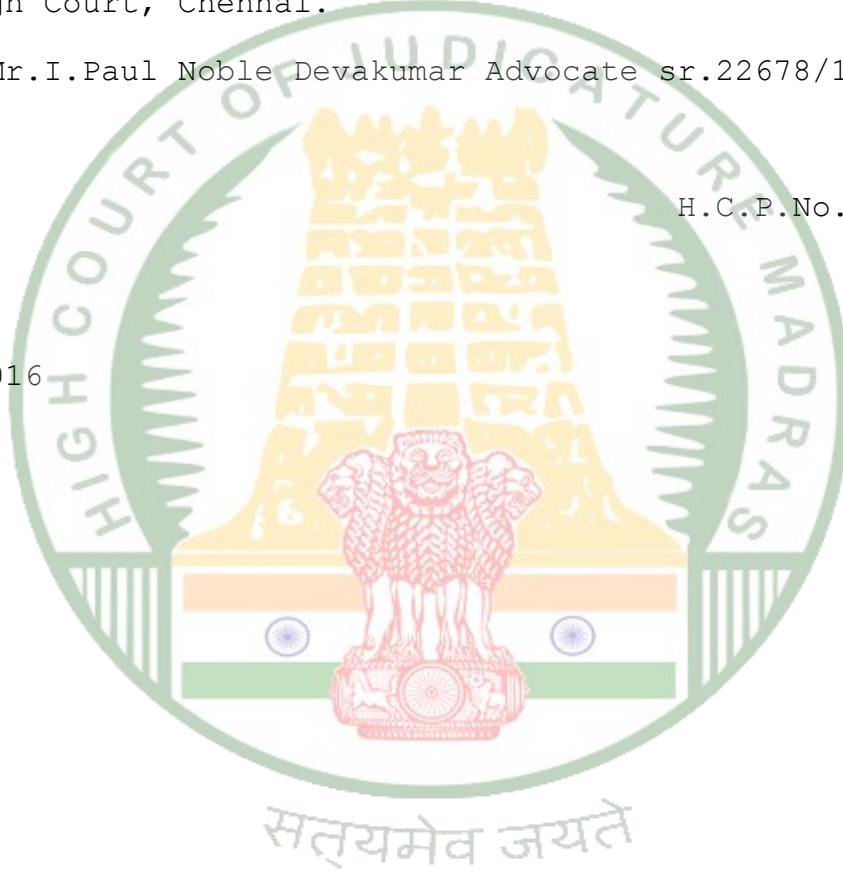
2.State rep by its
The Inspector of Police
Arakkonam Town Police Station
Vellore District.

3.The Public Prosecutor,
Madras High Court, Chennai.

+1 cc to Mr.I.Paul Noble Devakumar Advocate sr.22678/16

H.C.P.No.410 of 2016

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