

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

HCP No.414 of 2016

R.Krishnamoorthy .. Petitioner
Vs

- 1.The State rep. by
The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Deputy Superintendent of Police,
Mamallapuram,
Kancheepuram District.
- 3.The Inspector of Police,
Thiruporur Police Station,
Kancheepuram District. ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus calling for the records of the third respondent herein in CSR No.61 of 2016, dated 02.03.2016 and direct the respondents herein to produce the detainee namely V.Susi, female, aged 21 years, wife of Krishnamoorthy, before this Court and set her at liberty.

For Petitioner : Mr.P.Gurunathan
For Respondents: Mr.V.M.R.Rajentren
Addl. Public Prosecutor

ORDER

Mr.V.M.R.Rajentren, the learned Additional Public Prosecutor takes notice for the respondents.

2.The present petition has been filed by the petitioner / husband of the detainee V.Susi, aged about 21 years, to cause production of his wife, before this Court and to set her at liberty.

3.Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3 and had also perused the materials placed before this Court.

4.It has been stated that the petitioner had married the detinue, V.Susi, on 29.01.2016. The said marriage had also been registered in the Office of the Sub Registrar, Vallam, on 01.02.2016. However, after the marriage, the detinue has been living with her parents, at Thiruporur. As the detinue has not come to her matrimonial home, the petitioner is before this Court with this Habeas Corpus Petition.

5.The learned counsel appearing on behalf of the petitioner had submitted that the parents of the detinue are keeping her in illegal custody, even though the detinue wants to live with the petitioner in her matrimonial home. Therefore, this Court may direct the respondents to produce the detinue before this Court and to set her at liberty.

6.In view of the submissions made by the learned counsel for the petitioner and on perusal of the records placed before this Court, we are of the considered view that the petitioner could agitate the matter before the appropriate Court, for restitution of conjugal rights, and it is not for this Court to grant the relief, as prayed for by the petitioner, in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands dismissed at the admission stage itself. However, it is open to the petitioner to pursue his remedies available to him, before the appropriate forum, in the manner known to law.

Sd/-

Assistant Registrar(CS VI)

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सत्यमेव जयते

Sub Assistant Registrar

To

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- 1.The State rep. by
The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Deputy Superintendent of Police,
Mamallapuram,
Kancheepuram District.

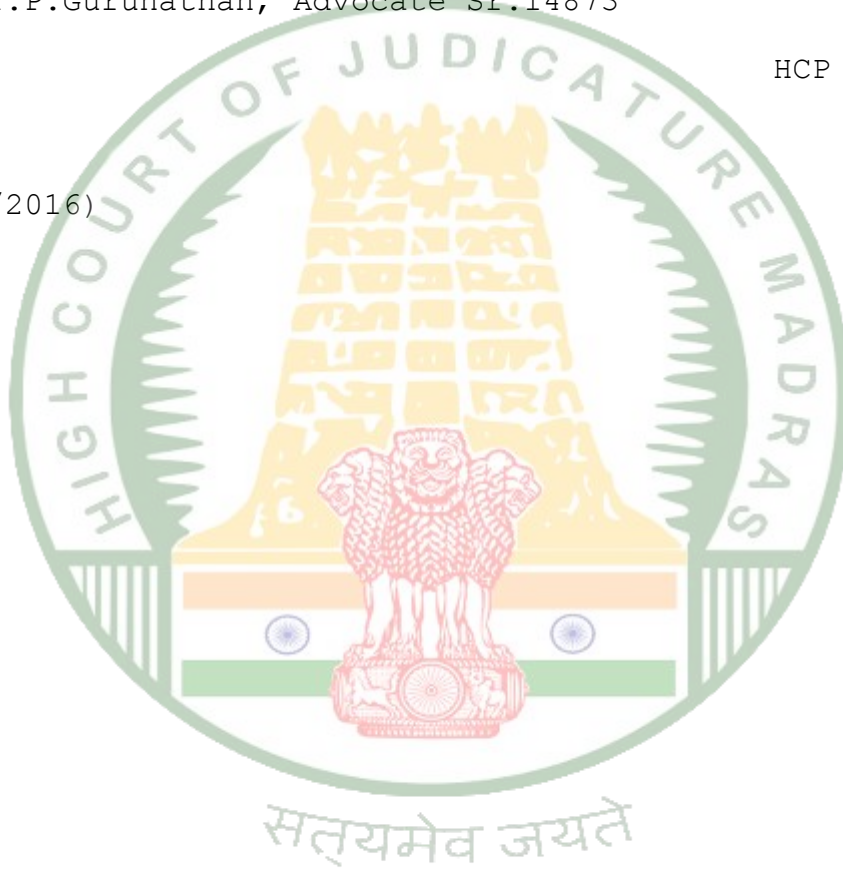
3.The Inspector of Police,
Thiruporur Police Station,
Kancheepuram District.

4.The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.P.Gurunathan, Advocate Sr.14873

HCP No.414/2016

skv(CO)
srg(29/03/2016)



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