

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

and

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.455/2016

S.Kasthuri

..Petitioner

Vs.

1.The District Superintendent of Police
Sathuvachari, Vellore District.

2.The Inspector of Police
Vellore Taluk Police Station
Vellore District.

3.Tmt.Kannagi
4.Tmt.Shalini

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents police to produce the detenu by namely Thiru Saravanan, who is aged about 45 years before this Court and set his liberty.

For Petitioner .. Mr.M.V.Muralidharan

For Respondents .. Mr.V.M.R.Rajentren,APP

सत्यमेव जयते
ORDER

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

The above petition has been filed by the petitioner / wife of the detenu, Saravanan, who is said to be in the illegal custody of the respondents 3 and 4, to cause production of her husband before this Court and to set him at liberty.

2 The petitioner would state that she had married the detenu, on 04.02.2004, and out of the said wedlock, they had got three children. Even though there were some matrimonial disputes between the spouses, they were living, happily, together. While so, the detenu, Saravanan, had gone missing

from 01.12.2014 and since then, the whereabouts of the detenu were not known. The petitioner would further state that she had made a complaint with the concerned jurisdictional police and since no action was taken, she had made a representation before the Chairperson of the Tamil Nadu Women Commission, on 12.05.2015, and the same was forwarded to the 1st respondent police, on 16.06.2015, for further course of action. The petitioner has also submitted that she suspects the respondents 3 and 4 would have abducted her husband and are keeping him in their illegal custody.

3 Heard the learned counsel, appearing on behalf of the petitioner and the learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 1 and 2.

4 From the averments made in the affidavit filed in support of this Habeas Corpus Petition, we find that the relief sought by the petitioner, cannot be granted as it is seen that the petitioner has not made any formal complaint to the jurisdictional police, with regard to her missing husband. Even otherwise, the present petition has been filed, belatedly, without proper explanation for such an inordinate delay.

5 In such circumstances, we find it appropriate to dismiss the petition. Accordingly, the Habeas Corpus Petition stands dismissed, at the admission stage. However, it is open to the petitioner to approach the 2nd respondent police and prefer a formal complaint and on receipt of the same, the 2nd respondent shall act in accordance with law.

AP

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The District Superintendent of Police,
Sathuvachari, Vellore District.
- 2.The Inspector of Police, Vellore Taluk Police Station,
Vellore District.
3. The Public Prosecutor, Madras High Court, Madras.

+ 1 cc to Mr.Mr.M.V.Muralidharan, Advocate Sr 15875

KR/28/3/16

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