

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

Coram:

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

H.C.P.No. 456 of 2016

S.Dhanalakshmi

.. Petitioner

vs.

1.The Commissioner of Police
Greater Chennai
Vepery
Chennai-600 007.

2.The State
rep. by the Sub-Inspector of Police (Law & Order)
K-10, Koyambedu Police Station
Chennai.

3.Amudhavalli

... Respondents

Habeas Corpus Petition has been filed under Article 226 of the Constitution of India for a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detenu, namely, S.Loganathan @ Kumar, S/o. R.Shanmugham, male, aged about 36 years, illegally confined by the 3rd respondent, before this Court and set him at liberty.

For petitioner :Mr.J.Ashok

For respondents :Mr.V.M.R.Rajentren,
Addl. Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed, by the mother of the detenu, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce her son, namely, S.Loganathan @ Kumar, aged about 36 years, before this Court, and to set him at liberty.

2. The petitioner is the mother of the detenu. She has stated that her son, namely, S.Loganathan, has been detained by the 3rd respondent, illegally. It is stated that the 3rd respondent is the wife of the detenu. The petitioner has stated that, she had lodged a complaint before the 2nd respondent police, on 03.03.2016. However, the said complaint had not been taken on file. As, no action has been taken by the 2nd respondent police, to trace the detenu, the present Habeas Corpus Petition has been filed by the petitioner, before this Court.

3. In view of the submissions made by the learned counsel appearing on behalf of the petitioner and in view of the averments made in the affidavit filed in support of the petition, we do not find any cause or reason to grant the relief, as prayed for, by the petitioner, in this Habeas Corpus Petition. If the 2nd respondent police, had not acted upon the complaint said to have been lodged by the petitioner, before the 2nd respondent police, it is for the petitioner to pursue the other remedies available to her, in accordance with law. We do not see any reason to direct the 2nd respondent police, to trace the detenu, and produce him before this Court, at this stage.

4. In the result, this Habeas Corpus Petition stands dismissed. However, it is made clear that, it is open to the petitioner, to seek her remedies, if any, before the appropriate forum, in the manner known to law.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police
Greater Chennai, Vepery
Chennai-600 007.

2. The Sub-Inspector of Police (Law & Order)
K-10, Koyambedu Police Station, Chennai.

3.The Additional Public Prosecutor
High Court, Madras.

+lcc to Mr.J.Ashok, Advocate sr.16070

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srg 15/04/2016



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