

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

H.C.P.No.50 of 2016

R.Meganathan

.. Petitioner

vs.

The Inspector of Police,
Jolarpet Police Station,
Jolarpet,
Vellore

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondent to produce the petitioner's wife Shakthi, aged 27 years, before this Court.

For Petitioner .. Mr.M.Arunachalam

For Respondent .. Mr.V.M.R.Rajendran,
Additional Public Prosecutor

O R D E R

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

The petitioner is the husband of the detenue, by name, Mrs.Sakthi. He lodged a complaint on 24.09.2015, on the file of the respondent, stating that he married the detenue about eight eight years back and out of their wedlock, two children (a boy and a girl) were born and six months prior to the lodging of the complaint, he went to Abudabi, in connection with his employment. He further stated that on 12.09.2015, at about 8.00 a.m., his wife left the home on the pretext that she is going to attend the tailoring class, but she did not return home. Alleging that no action has been taken on the said complaint, the petitioner is before this Court with this habeas corpus petition.

2. On the earlier occasion, the learned Additional Public Prosecutor, taking notice on behalf of the respondent, seeks time to get instructions and hence, the matter was directed to be posted today.

3. Today, the respondent has filed a status-report stating among other things that on the basis of the complaint lodged by the petitioner, a case in Crime No.46 of 2015 has been registered for 'woman missing', on 24.09.2015 and the investigation revealed that the missing person Mrs.Sakthi had an illegal affair with one Mr.Sepoi Chakravarthi and on her own volition, she eloped with the said Mr.Sepoi Chakravarthi. However, the respondent police is taking sincere and effective steps to trace the detainee.

4. The learned counsel for the petitioner would submit that since his wife is missing and his two children are left in the home, the respondent police may be directed to take proper and effective steps to trace the detainee.

5. In the light of the status report filed by the respondent stating that the detainee had an illegal affair with one Mr.Sepoi Chakravarthi and left the matrimonial home on her own volition, it cannot be said that the detainee is in the illegal custody of anyone. Therefore, the habeas corpus petition is dismissed. However, the respondent shall proceed with the investigation and file the final report as expeditiously as possible.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Jolarpet Police Station,
Jolarpet,
Vellore

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Arunachalam, Advocate Sr.11867

H.C.P.No.50 of 2016

lrs(CO)
srg(17/03/2016)