

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.516 of 2016

E.Pradeep Kumar

..Petitioner

vs.

1. The Commissioner of Police,
O/o.The Commissioner,
Veppery, Chennai-600 007.
2. The Inspector of Police,
R.7, K.K.Nagar Police Station,
K.K.Nagar, Chennai-78.
3. Mrs.Malini
4. Karthick

... Respondents

Petition filed for issuance of a writ of Habeas Corpus directing the respondents to produce the body of the detenue T.Divya Priya, wife of Pradeep Kumar, aged about 34 years and P.Dhakshin, son of Pradeepkumar, aged about 6 years, before this Court under the illegal custody of the 3rd and 4th respondents from 25.12.2015 and set them at liberty.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.V.M.R.Rajentren,
1 and 2 Addl. Public Prosecutor (Crl.side)

O R D E R

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

This Habeas Corpus Petition has been filed, praying that, this Court may be pleased to direct the respondents to produce the detenues, namely, T.Divya Priya, wife of Pradeep Kumar, aged about 34 years and P.Dhakshin, son of Pradeepkumar, aged about 6 years, before this Court and to set them at liberty.

2. The petitioner has stated that he had married T.Divya Priya, on 04.07.2008. Due to certain disputes, which had arisen

between them, the wife of the petitioner had gone away to live with her parents, along with her son, namely, Pradeep Kumar. Since T.Divya Priya and Pradeep Kumar are in the illegal custody of the respondents 3 and 4, the petitioner had preferred a complaint before the 2nd respondent, on 15.02.2016. Since the 2nd respondent had not taken effective steps, to trace the detainees and produce them before this Court, the petitioner had preferred the present Habeas Corpus Petition.

3. A detailed Status Report, dated 23.03.2016, had been filed before this Court, by the 2nd respondent, in which paragraphs 4 and 5 read as follows:

'4. I submit that regarding the complaint of the petitioner/complainant, I enquired the detainee Divya Priya and obtained the written statement of the detainee stated that due to the harassment of the petitioner/complainant, she stayed at her parental home. Further, she stated that the complainant/petitioner abused and threatened her brother and mother over phone. Further, the detainee filed the petitions before the Family Court, Chennai vide Divorce Petition No.1146 of 2016 and Child Custody S.R.Nos.10969 and 10970 of 2016.

5. I submit that the detainee Divya Priya lodged a complaint, dated 3.3.2016 against the petitioner/complainant before the 2nd respondent police, stated that due to the misunderstanding between the complainant and the detainee, she left the home and stayed at his mother's home. In the meantime, the complainant/petitioner had tortured her to hand over their male child Dhaksin. Hence, she has requested the respondent police to take action against the complainant/petitioner. Hence this complaint.

On the complaint of the detainee- Divya Priya, Tr.Sambamoorthy, Sub-Inspector of Police has assigned C.S.R.No.71 of 2016.'

4. From the averments made in the Status Report filed by the 2nd respondent, it is seen that the wife of the petitioner, namely, Divya Priya, had filed a petition for divorce and that the custody of the child, before the Family Court, Chennai, and the said petitions are pending disposal.

5. In such circumstances, we are of the considered view that it is for the petitioner to approach the court concerned to seek his reliefs, if any, in accordance with law.

6. In such view of the matter, the Habeas Corpus Petition stands dismissed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To:

1. The Commissioner of Police,
O/o.The Commissioner,
Veppery, Chennai-600 007.
2. The Inspector of Police,
R.7, K.K.Nagar Police Station,
K.K.Nagar, Chennai-78.
3. The Public Prosecutor,
High Court, Madras

H.C.P.No.516 of 2016

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