

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

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

H.C.P.No.576 of 2016

S.Nagendran

..

Petitioner

vs.

State rep. By
The Inspector of Police,
E-2, Thirukazhukundram Police Station,
Thirukazhukundram,
Kancheepuram District.

..

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 cause the production of the body and person of petitioner's wife Latha @ Rasathi aged about 35 years and petitioner's children namely John Samuel aged about 14 years and Angel aged about 12 years before this Court and set them at liberty.

For Petitioner

:

Mr.A.Balamurugan

For Respondent

:

Mr.V.M.R.Rajentren
Addl Public Prosecutor

ORDER

[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 respondent, to produce the detainee, namely, Latha @ Rasathi, the wife of the petitioner aged about 35 years and petitioner's children, namely, John Samuel aged about 14 years and Angel, aged about 12 years, before this Court and set them at liberty.

2.The petitioner is said to be the husband of the detainees, namely, Latha @ Rasathi, aged about 35 years, and petitioner's children, namely, John Samuel, aged about 14 years and Angel, aged about 12 years. It has been stated that, from 11.01.2016 onwards, the detainees had gone missing. Therefore, the

petitioner had preferred a complaint before the respondent, on 29.01.2016. The said complaint had been registered by the respondent, in Crime No.58 of 2016. Since, no effective steps had been taken by the respondent Police, to trace the detainees, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

3.Today, when the matter had been listed for hearing, the respondent Police had produced the detainees before this Court. On enquiry, the petitioner's wife Latha @ Rasathi had stated that she, along with her two children, are living with her mother, at Thirukazhukundram, Kancheepuram District. The detainees had further stated that they are not willing to go and live along with the petitioner herein.

4.In such circumstances, we find no reason to grant the relief, as prayed for by the petitioner. Hence, this Habeas Corpus Petition stands dismissed. The detainees are permitted to live with Ms.Parvathy, the mother of the petitioner's wife Latha @ Rasathi, as per their wish.

jbm

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
E-2, Thirukazhukundram Police Station,
Thirukazhukundram,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

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