

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2016

CORAM:

THE HONOURABLE MR . JUSTICE P.R.SHIVAKUMAR

AND

THE HONOURABLE MR. JUSTICE P.KALAIYARASAN

H.C.P.No.760 of 2016

Velusamy

... Petitioner

-Vs-

1.The Inspector of Police
Nandampakkam Police Station
Nandampakkam
Chennai.

2.Janarthanan

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of direction, in the nature of Writ of Habeas Corpus, directing the first respondent to produce the detainee Revathy, W/o Velusamy, aged 28 years now under the illegal custody of the second respondent herein before this Court and hand over to the custody of the petitioner to secure the ends of justice.

For Petitioner : Mr.T.Arul

For R1 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

O R D E R

(Order of the Court was made by P.R.SHIVAKUMAR, J.)

The petitioner is the husband of the alleged detainee Revathy, aged about 28 years. Contending that she is in the illegal custody of the second respondent, the petitioner has approached this Court with the present writ petition for the issuance of a writ of Habeas Corpus for the production of the said Revathy.

2. A perusal of the affidavit filed in support of the writ petition shows that it is a case of elopement and the wife of the petitioner is not in illegal custody of the second respondent.

3. The learned Additional Public Prosecutor, on instructions from the police submits, that based on the complaint of the petitioner, a case was registered in Cr.No.815/2016 on the file of the first respondent and the case is not for any specific offence, but only aa "woman missing" case. It is also his further submission that the wife of the second respondent lodged a similar complaint against Revathy, based on which a case came to be registered in Cr.No.824/2016 on the file of the first respondent for "man missing".

4. The learned counsel for the petitioner made a meek attempt to project the Habeas Corpus Petition to be one for securing the custody of the minor children of the petitioner, who were taken by his wife along with her. If at all the petitioner is very keen about getting the custody of his minor children, his remedy lies somewhere else and he should have approached an appropriate forum for the custody of the minor children, who are admittedly in the custody of their mother.

In view of the above observations, this Court is not convinced that there is any illegal custody requiring the issuance of a writ of Habeas Corpus. Hence, the Habeas Corpus Petition is dismissed.

gms

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Nandampakkam Police Station
Nandampakkam
Chennai.

2.The Public Prosecutor,
Madras High Court, Chennai.

mp(co)
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