



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.102 of 2016

Vincent Prabhu

.. Petitioner

Vs.

1. The Superintendent of Police,
Theni, Theni District.
2. The Deputy Superintendent of Police,
Uthamapalaym, Theni District,.
3. The Inspector of Police,
Thevaram Police Station,
Theni District.

4. Auto Pandi @ Pandi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first respondent to direct the third respondent to produce the person or body of the petitioner's wife Amalorpavasasi, aged about 28 years and his 10 months old younger son Pranau Renin, from the fourth respondent's custody and set them at liberty.

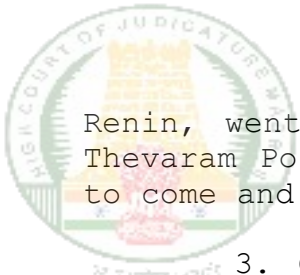
For petitioner : Mr.S.Muthalraj
For respondent Nos.1 to 3 : Mr.R.Ramachandran
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.R.SHIVAKUMAR, J.]

The petitioner is the husband of Amalorpavasasi, aged about 28 years, the alleged detenu. They have got two male children. Complaining that his wife and the younger child were missing from 24.01.2016 and suspecting the fourth respondent to be the person who might have abducted his wife and kidnapped the younger child, he sent a complaint in writing and by post to the Superintendent of Police, Theni District, the Deputy Superintendent of Police, Uthamapalayam, Theni District and the Inspector of Police, Thevaram Police Station, Theni District on 25.01.2016 and immediately, within three days thereafter filed the present Habeas Corpus Petition.

2. After the learned Additional Public Prosecutor took notice of the Habeas Corpus Petition on behalf of the respondent Nos.1 to 3, [police officials], Amalorpavasasi, along with her younger child - Pranav



Renin, went to the house of her mother, where from she was invited to Thevaram Police Station and thereafter, she has been asked by the police to come and appear before this Court along with her younger child.

3. On being questioned in the open Court, Amalorpavasasi states that she lost her father about six months back; that her husband was very often suspecting her fidelity and ill-treating her whenever she used to go to the residence of her mother; that on such occasions, her husband [the petitioner] used to tarnish the image of her mother as if she was also encouraging Amalorpavasasi in her fidelity and that therefore, she stopped going to the residence of her mother. It is her further statement that on an earlier occasion, when she made a complaint of ill-treatment to the police, her husband traded charges of infidelity connecting her with the Investigating Officer, who came for enquiring the matter and that unable to bear the torture in the hands of her husband, she had decided to leave him and go to Coimbatore with her younger child to the house of one Sheela, her friend; that subsequently, when she came back to the residence of her mother, she was invited to the Police Station and then on the instructions given by the police, she is before this Court.

4. The above statement makes it clear that Amalorpavasasi and her younger child were not abducted by anybody and there is no illegal custody. There is no merit in the Habeas Corpus Petition praying to set them at liberty, as they are not in the custody of anyone. There is nothing more to be adjudicated upon in this Habeas Corpus Petition and it shall be sufficient to record the statement of Amalorpavasasi and close the Habeas Corpus Petition. Accordingly, the statement of Amalorpavasasi is recorded and the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni, Theni District.
2. The Deputy Superintendent of Police,
Uthamapalaym, Theni District,.
3. The Inspector of Police,
Thevaram Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO M/S.NA.PALANIYANDI, ADVOCATE IN SR NO. 5546

NB

TE/PM-MP/ : 15/02/2016 : 2P/6C
<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN
H.C.P (MD) No.102 of 2016
29.01.2016