

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.11.2017

CORAM

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER

and

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1790 of 2017

D.Raghuraman

.. Petitioner

Vs.

1.The Commissioner of Police

Greater Chennai

Vepery, Chennai -600 007

2. The Inspector of Police,

F-5, Choolaimedu Police Station

Choolaimedu, Chennai - 600 002

3. The Inspector of Police

All Women Police Station

Thousand Lights, Chennai 600 006

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's wife, viz., Mrs. Thilagavathy, aged 35 years, missing from 30.04.2016, hidden by the parents of the petitioner's wife at No.8/29 Ethiraj Street, Pathmanabha Nagar, Choolaimedu, Chennai -600 094 before this Court and set her liberty.

For Petitioner : Mr. R.Thanjan

For Respondents : Mr. V.M.R.Rajentran

Addl. Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1. This is a petition filed to secure the presence of the detinue/Mrs.Thilagavathy.

2.According to the petitioner, the detinue/Mrs.Thilagavathy, is his wife.

2.1. The assertions made in paragraph 5 of the petition show that the detinue had initiated a proceeding for divorce and maintenance (OP.No.371 of 2011 and M.C.No.550 of 2011).

2.2. A perusal of the averments made in the very same paragraph also reveal that the petition for divorce by mutual consent, being OP.No.3883 of 2014, was also filed in the Court of I Additional Family Judge, Chennai.

2.3. It appears that the said petition was dismissed for default on 30.4.2016.

3. This apart, in the very same paragraph, there is also a reference to the petition filed by the petitioner for restitution of conjugal rights, which was, evidently, numbered as OP.No.2055 of 2011.

3.1 We are told by the counsel for the petitioner that even this petition stands dismissed for default, albeit, after institution of the captioned petition.

4. According to us, this petition has been filed only with a view to circumvent the process of law of. The petitioner seeks to use the writ jurisdiction of this Court to secure presence of the detainee in the matrimonial proceedings.

5. The petition, such as one filed before us by the petitioner, engages man power and scarce resources of the police, which, in our opinion, could be utilised for better causes.

6. The detainee is clearly not in unlawful custody even according to the petitioner.

7. The petition, being devoid of merits, is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police
Greater Chennai
Vepery, Chennai -600 007

2. The Inspector of Police,
F-5, Choolaimedu Police Station
Choolaimedu, Chennai - 600 002

3. The Inspector of Police
All Women Police Station
Thousand Lights, Chennai 600 006

4. The Public Prosecutor
High Court, Madras.

+1cc to M/s.R.Thanjan, Advocate SR.No.77575

H.C.P.No.1790 of 2017

GMI (CO)
sm:28.11.2017