

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2060 of 2017

Babuji Devan ... Petitioner

Vs.

1.The State Rep. By
The Inspector of Police
D3 Police Station
Pothanur, Coimbatore.

2.Jebastin Vinu ...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the body of petitioner wife Jommey Mary and set her at liberty.

For Petitioner : Mr.Deepan Uday
For Respondents : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor for R1

O R D E R

(Order of the Court was made by RAJIV SHAKDER, J)

1. This is a petition, purportedly, filed by the husband of the detainee/Jommey Mary. It is asserted by the petitioner that the detainee left the matrimonial house, as she had an affair with respondent No.2, i.e., one Jebastin Vinu.

2. The learned Additional Public Prosecutor, who is present in Court, based on an advance notice, says that an enquiry has been conducted by the Investigating Officer and thereupon the detainee's statement was recorded.

2.1. We are informed that the detenue's statement was recorded on 27.10.2017.

3. The learned Additional Public Prosecutor further says that as per the statement of the detenue, made before the Investigating Officer, the detenue left the matrimonial house as she was maltreated.

4. Having regard to the submissions advanced by the learned Additional Public Prosecutor and given the averments made in the petition, to which, we have made a reference above, we are of the view that no directions need be issued vis-a-vis the detenue as even according to the petitioner the detenue left the matrimonial house of her own volition.

5. This petition is, accordingly, closed. The petitioner, however, will have liberty to take recourse to an appropriate remedy in accordance with law.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Inspector of Police
D3 Police Station
Pothanur, Coimbatore.

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

+ 1 cc to Mr.Deepan Uday, Advocate Sr.No.78411

CO(KS)
KP(27/11/2017)

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