

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.290 of 2017

K. Muniyan,

..Petitioner

Vs

State Rep. By
The Inspector of Police,
All Women Police Station,
Mount Road,
Chennai-600 002.

..Respondent

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of Habeas Corpus directing the respondent herein to produce the petitioner's Wife Manjula F/30 years W/o Muniyan, and his children Durga F/9 years D/o, Muniyan and Sakthivel M/4 years S/o, Muniyan, and set them at liberty.

For Petitioner : Mr. S. Madhusudanan

For respondents: Mr.V.M.R. Rajentran
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU, J.,)

The petitioner is the husband of one Mrs.Manjula, aged about 30 years. They have got two children by name Durga, aged about 9 years and Sakthivel, aged about 4 years. According to the petitioner, for about nine months before 27.12.2016, his wife and two children were found missing. The petitioner made a complaint on 27.12.2016. According to the petitioner, no action whatsoever was taken by the police. Therefore, he has come up with this Habeas Corpus Petition.

2. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor, on instructions, submitted that during enquiry, it came to light that Mrs.Manjula, wife of the petitioner, due to matrimonial dispute with her husband, has gone to Bangalore, where her relatives are residing and thus, according to him, there is no illegal confinement.

3. We have considered the above submissions. The very fact that the petitioner did not make any complaint to the police for nine months, which would go to show that he is fully convinced that his wife is not missing, but, she is residing in Bangalore.

4. Since we are satisfied that there is no illegal confinement and the dispute is of civil in nature between the parties, it is for the petitioner to work out his remedy before the competent civil Court. Therefore, we are not in a position to grant relief, as sought for. Hence, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Inspector of Police,
All Women Police Station, Mount Road,
Chennai-600 002.

2. The Public Prosecutor, High Court, Chennai.

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