

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.427 of 2017

Mrs. Mumtaj

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
E.V.R.Periyar Salai,
Vepery, Chennai - 600 007
2. The Inspector of Police,
B-1, Police Station,
North Beach Police Station,
Chennai - 600 001
3. The Inspector of Police,
E-1, Keelakkarai Police Station,
Keelakkarai,
Ramanathapuram District.
4. Ahmed Asik

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents 2 to 3, to produce the body of her daughter namely Thamimunnisa, aged 30 years and grandson Minor.Nikal Khan, aged 5 years before this Hon'ble Court and pass such further orders.

For Petitioner : Mr.N.Srinivasulu

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

ORDER
[Order of the Court was made by S.NAGAMUTHU.J]

The petitioner is the mother of one Mrs.Thamimunnisa, aged 30 years. The marriage between Mrs.Thamimunnisa and Mr.Kabila Khan was solemnized on 22.02.2004. They have got a male child by name Minor Nikal Khan, aged 5 years.

2.According to the petitioner, Mrs.Thamimunnisa has been found missing from 13.02.2017 and according to her, the detainee is living with the fourth respondent and now she is residing with him at Keelakarai. The child is also with her. Alleging that it is an illegal detention, the petitioner has come up with this Habeas Corpus petition.

3.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

4.In our considered view, there is no illegal detention because the detainee appears to have gone on her own accord and now, she is living with the fourth respondent along with her child. Since, there is no illegal detention, we are unable to grant the relief as prayed for by the petitioner. Hence, the Habeas Corpus petition is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jbm/sts

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
E.V.R.Periyar Salai,
Vepery, Chennai - 600 007
2. The Inspector of Police,
B-1, Police Station,
North Beach Police Station,
Chennai - 600 001

3. The Inspector of Police,
E-1, Keelakkarai Police Station,
Keelakkarai ,
Ramanathapuram District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.N.Srinivasulu, Advocate, S.R.No.17087

H.C.P.No.427 of 2017

MP (CO)
CA(06/04/2017)



WEB COPY