

In the High Court of Judicature at Madras

Dated: 06.03.2017

Coram:

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

H.C.P.No.339 of 2017

Maheswaran

.. Petitioner

vs.

1.The Commissioner of Police,  
Thiruppur City,  
Thiruppur.

2.The Inspector of Police,  
Thiruppur North Police Station,  
Thiruppur City,  
Thiruppur District.

3.Karthi

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 1st and 2nd respondents to produce the body or persons of the detainee petitioner's wife namely Ramya, aged about 24 years and my minor son namely Monish, aged about 2 1/2 years, now detained by the 3rd respondent before this Court and set them at liberty.

For Petitioner .. Mr.S.Gokul Raj

For Respondents... Mr.V.M.R.Rajentren, Addl.P.P.  
for R1 & R2

O R D E R

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

The petitioner is the husband of one Ramya, aged 24 years. The marriage between them was solemnized on 20.02.2013. Out of the said wed lock, they got a minor son aged 2 1/2 years, by name, Monish. According to the petitioner, his wife and the child are found missing from 14.2.2017 onwards. In this regard, a case has been registered in Crime No.182 of 2017, on the file of the second respondent police. Since no action whatsoever was

taken to secure the detenues, the petitioner has come up with this habeas corpus petition.

2. Today when the habeas corpus petition was taken up for hearing, Mrs.Ramya appeared along with her minor son Monish. Her parents also appeared before us. They told us that they are poor people, having no means to maintain themselves. From out of the coolie work they are able to sustain. The detainee would further state that the petitioner harassed her frequently demanding cash or some other kind of property from her parents. He manhandled her on many occasions. Unable to bear the torture, according to her, she has been living only with her parents. Her parents also stated the same thing. The detainee would further state that she is prepared to remain with her parents and she is not willing to go back to the matrimonial home because of the torture meted out at the hands of the petitioner. The said statement is recorded.

3. Since we find that there is no illegal detention and that the detainee has been living after all with her parents on her own volition, the question of granting any relief to the petitioner as prayed for, does not arise. Accordingly, the habeas corpus petition is dismissed.

4. During the course of hearing, when we enquired the detainee as to how did she manage to come to Chennai when there is no income for her, she stated that she pledged her ear stud to mobilize money for them to come over to Chennai. She has further stated that from the morning they have not taken food, as they did not have sufficient money. Having heard these statements of the detainee and her parents, the learned counsel Mr.Pugazhenthir and Mr.John Sathyan, who are present in Court, offered to pay a sum of Rs.9,500/- (Rupees nine thousand and five hundred only) by way of help to the detainee to go back to her native place. Accordingly, they paid to her. The same is recorded.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

msk

To

1.The Commissioner of Police,  
Thiruppur City,  
Thiruppur.

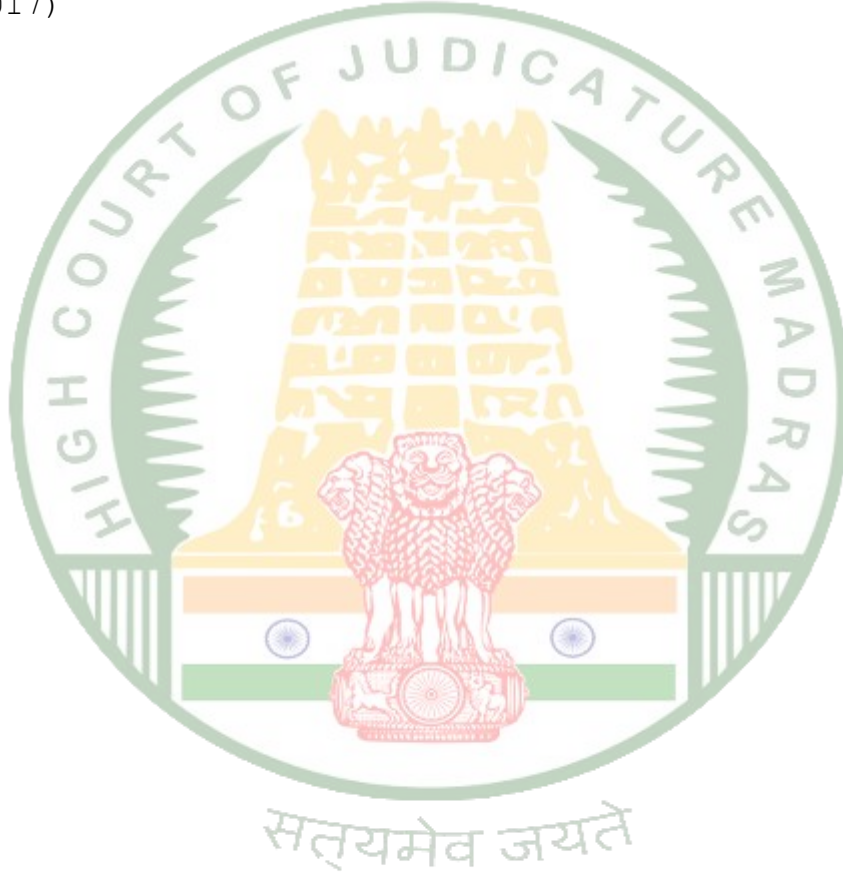
2.The Inspector of Police,  
Thiruppur North Police Station,  
Thiruppur City,  
Thiruppur District.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Gokulraj,Advocate sr.14494

H.C.P.No.339 of 2017

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ss(17/3/2017)



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