

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.344 of 2017

V. Girithari Lal

... Petitioner

Vs

1.The State by Inspector of Police,
C-3 Seven Wells Police Station,
Chennai.

2.Shoanlal Sanshi
Shanshi Basthi Panch Bathi,
Choranya Dentanada,
Jodhpur, Rajasthan State.

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus or any other appropriate writ, order of direction in the nature of writ directing the respondent to produce his wife Archana 33 years minor Child Vishesh 8 years before this Hon'ble Court set them at liberty.

For Appellant : Mr.K. Chandru

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

सत्यमेव जयते
ORDER

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

The petitioner is the husband of one Mrs.Archana, aged about 33 years. They have three children by name (i) Anurag (ii) Haris and (iii) Visesh. According to the petitioner, from 26.10.2016 onwards his wife Mrs.Archana was found missing along with the child Visesh. In this regard, he made a complaint before the first respondent and a case in Cr.No.1208 of 2016 has been registered. Since his wife and child were not rescued by the police, the petitioner has come up with this petition.

2. Today when this Habeas Corpus Petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions from the first respondent, submitted that Mrs.Archana has eloped with the second respondent, who is an Auto Driver. She has taken the child Visesh also with her and there is no illegal detention. The Status report filed by the first respondent is recorded.

3. A perusal of the same and the arguments advanced by the learned Additional Public Prosecutor, we are convinced that there is no illegal detention of the detainee. It is a case of elopement. Therefore, we are unable to grant the relief sought for by the petitioner. Hence the Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sr

To

1.The State by Inspector of Police,
C-3 Seven Wells Police Station,
Chennai.

2. The Public Prosecutor, High Court, Chennai

+lcc to Mr.K. Chandra, Advocate Sr. 14799

Order in
H.C.P.No.344 of 2017

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