

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

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

H.C.P.No.373 of 2017

N.Sathish Kumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Tiruppur.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur,
Tiruppur District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent mto produce the body of S.Sadhi Kumari to the petitioner herein.

For Petitioner : Mr.V.Ashok Kumar

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 husband of one Mrs.S.Sadhikumari. Since, she has been found missing from 16.10.2016 onwards, the petitioner made a complaint in this regard to the respondent Police on 17.10.2016. But so far the detenue has not been secured by the respondent Police is the grievance of the Petitioner. Hence, he is before this Court with this Habeas Corpus Petition.

2.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.

3.On instruction from the respondent Police, the learned Additional Public Prosecutor appearing for the respondents would submit that already the petitioner has filed a Habeas Corpus

Petition with the same prayer in H.C.P.No.2683 of 2016 and the said petition was dismissed by this Court on 19.04.2017, on the ground that the detinue left the matrimonial home on her own accord and thus, there was no illegal detention. Now, the petitioner has come up with this petition with the same prayer which according to the learned Additional Public Prosecutor is a clear abuse of process of Court.

4.In view of the said submission made by the learned Additional Public Prosecutor, initially, this Court thought it fit to impose cost on the petitioner. However, by taking a lenient view, we are inclined to dismiss this petition without imposing any cost.

Accordingly, the Habeas Corpus Petition is dismissed as unnecessary.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Superintendent of Police,
Tiruppur.

2.The Inspector of Police,
Palladam Police Station,
Tiruppur,
Tiruppur District.

3.The Public Prosecutor,
High Court, Madras.

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