

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2017

CORAM

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

H.C.P No.528 of 2017

Gilbert Gunanithi ..Petitioner/Husband of the
detenu

Vs

- 1.State rep by its
The Superintendent of Police,
Vellore
2. State rep by its
The Inspector of Police,
Pernambut Police Station,
Vellore District
3. Sarathkumar ..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a order or direction more particularly in the nature of writ of habeas corpus directing the respondents 1 and 2 to produce the body of the detenu namely Mrs.Divyashree W/o Gilbert Gunanithi, aged about 28 years before this Court and set her at liberty.

For Petitioner : Mr.K.Aswin

For respondent : 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.Divyashree, aged about 28 years. The marriage between them was celebrated on 04.02.2009. According to the petitioner, on 11.12.2016, the third respondent abducted Mrs.Divyashree. In this regard, on a complaint made by the petitioner, a case was registered, but, so far, the detenu has not been secured. This is the grievance of the petitioner. Therefore, he has come up with this Habeas Corpus Petition.

2. The learned Additional Public Prosecutor, on instructions, submitted that prior to 11.12.2016, on two occasions, Mrs.Divyashree had eloped with the third respondent on her own and later she was secured and this is the third time she has eloped with the third respondent.

3. From the above statement, it is crystal clear that it is not an illegal confinement and it is a case of elopement. Therefore, this habeas corpus petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr/sts

To

- 1.The Superintendent of Police,
State of Tamil Nadu,
Vellore
2. The Inspector of Police,
State of Tamil Nadu,
Pernambut Police Station,
Vellore District
3. The Public Prosecutor, High Court, Chennai.

+ 1 cc to M/s. Dass & Viswa Associates, Advocate Sr.22710

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VGII(CO)
EU 24.4.17

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