

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.04.2017

CORAM

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

H.C.P No.557 of 2017

A.Thameembasha ... Petitioner/Husband of detenue

Vs

1.State rep. By its
The Commissioner of Police,
Veppery,
Chennai - 600 007.

2.State rep. By its,
The Inspector of Police,
D-2 Anna Salai Police Station,
(Law & Order).
Chennai - 600 006.

3.Peer Mohammed ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution to issue a writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body of the detenue of petitioner's wife Mumtaj Begam, aged about 38 years now under the illegal custody of the third respondent and set the detenue at liberty forthwith.

For Petitioner : Mr.M.Kabilan

For 1st 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.Mumtaj Begam aged 38 years. According to the petitioner, Mrs.Mumtaj Begam has been kidnapped by the third respondent herein on 29.03.2017 and illegally confined. In this regard, the petitioner made a complaint to the second respondent but, no action has been taken, is the grievance.

2.The learned Additional Public Prosecutor appearing for the State would submit that the third respondent was employed at the residence of the petitioner and during such period, the third respondent had developed illicit intimacy with Mrs.Mumtaj Begam and out of the said intimacy, both of them now eloped. The learned Additional Public Prosecutor would further submit that the enquiry would reveal the there is no illegal confinement of the detainee.

3.In our considered view, when there is a serious allegation that the third respondent herein abducted the detainee, it is an offence under the Indian Penal Code. Hence, it is for the respondent Police to register a case on the complaint of the petitioner and to investigate the case in accordance with law.

4.Except the said observation, we are not inclined to give any other relief to the petitioner. Hence, the Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

jbm

To

1.The Commissioner of Police,
Veppery,
Chennai - 600 007.

2.The Inspector of Police,
D-2 Anna Salai Police Station,
(Law & Order).
Chennai - 600 006.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.M. Kabilan, Advocate Sr. 23092

H.C.P.No.557 of 2017

SSI (CO)
VR(25/4/2017)