

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2017

CORAM

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

H.C.P No.568 of 2017

S. Siva ... Petitioner/Husband of the Detenue

Vs

1. State rep by
Inspector of Police,
Pollampatti Police Station,
Salem District

2, Rajamanickam

... 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 or direction directing the respondents to produce the body of the detenue viz., Mrs.Eswari, aged about 30 years and Minor Girl Sandhya, aged about 9 years respectively and set them at liberty and further direct the second respondent to hand over the custody of the minor girl Sandhya to the petitioner.

For Petitioner : Mr.S. Parthyasarathy

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 Mrs.Eswari, aged about 30 years. They have got a daughter by name Sandhya, aged about 9 years. According to the petitioner, his wife and daughter are missing from 11.03.2017 onwards. In this regard, on a complaint made by him, a case was registered in Cr.No.77/2017 on the file of the first respondent. Since they have not been secured, the petitioner has come up with this habeas corpus petition.

2. When the matter has been taken up for hearing, the learned Additional Public Prosecutor submitted that investigation, so far, revealed that Mrs.Eswari has eloped with the second respondent along with the child.

3. From the above submission, it is crystal clear that it is not the case of illegal confinement and it is the case of elopement. Therefore, no relief could be granted to the petitioner. Accordingly, this habeas corpus petition is dismissed, however, the respondent police shall continue the investigation.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Pollampatti Police Station,
Salem District
 2. The Public Prosecutor, High Court, Chennai
- +1 Cc to Mr.S,. Parthasarathy, sr 23597

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