

In the High Court of Judicature at Madras

Dated: 06.03.2017

Coram:

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

H.C.P.No.2244 of 2016

B.Ramani

... Petitioner

vs.

1.State, rep.by its
The Superintendent of Police,
Vellore District, Vellore.

2.State, rep.by its
The Inspector of Police,
Arakkonam Town Police Station,
Vellore District.

3.D.Lavidhya

Amended as per order of this
Court, dated 24.11.2016 in
CrI.M.P.No.12410 of 2016
in HCP No.2244 of 2016

4.Gopinath

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents 1 and 2 to produce the body of the detainee the petitioner's husband M.Babu, aged about 26 years, now under the custody of the third respondent, and set the detainee at liberty forthwith.

For Petitioner .. Mr.D.Dayalan

For Respondents.. Mr.V.M.R.Rajendran, Addl.P.P.
for R1 and R2
Mr.M.Rajnikanth for R4
R3 No appearance

O R D E R

(The order of the Court was made by S.NAGAMUTHU,J.)

The petitioner is the wife of one Mr.Babu, aged 36 years. The marriage between them was solemnized on 4.5.2006. It is alleged that Mr.Babu was illegally taken by the third respondent, with the help of the fourth respondent, on 2.9.2016 and he was detained illegally. In this regard, a complaint was made by the petitioner to the police, upon which, according to the petitioner, no action has been taken. Therefore, she is before this Court with this habeas corpus petition.

2. We have 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, more particularly, the status report filed by the Inspector of Police.

3. It is stated by the second respondent police that Mr.Babu earlier had eloped with one Mrs.Lavanya and he was brought back. Again he has eloped with Mrs.Lavidhya.

4. From the facts narrated in the status report and from the statement of the learned counsel on either side, we find that there is no material even to infer that there is illegal detention of Mr.Babu. It appears that Mr.Babu, on his own accord, has eloped with Mrs.Lavidya. Since there is no illegal detention, no relief as prayed for by the petitioner could be granted. Accordingly, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Vellore District, Vellore.
- 2.The Inspector of Police,
Arakkonam Town Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

4.The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai-9.

+lcc to Mr.M.Rajinikanth, Advocate Sr.14312

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