

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN  
and  
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.2264 of 2016

Pachaiyappan ... Petitioner

Vs

1.State rep by  
The Inspector of Police,  
Kilpannathur Police Station,  
Thiruvannamalai District.  
2.Suresh ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing first respondent to produce the body of the petitioner's wife, Sathyapriya, aged 20 years and his daughter Kavia, aged 1 year, before this court and to set them at liberty.

For Petitioner : Mr.S.Senthilvel  
for Mr.D.Magesh

For Respondents: Mr.V.M.R.Rajentran, APP for R1

ORDER

[Order of the Court was made by T.MATHIVANAN, J. ]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the first respondent.

2 This Habeas Corpus Petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the first respondent to produce the petitioner's wife, Sathyapriya, aged 20 years and his daughter, Kavia, aged 1 year, before this court and to set them at liberty.

3 The petitioner, who claims to be the husband of the detenu, has stated in the petition that the marriage between him and the detenu was solemnized, on 6.6.2011, and a female child was born to them out of their wedlock. The detenu had gone missing along with the child, on 3.9.2016. Though the petitioner had lodged a complaint before the first respondent police, on 3.9.2016, there was no progress in the case. Hence, the present Habeas Corpus Petition has been filed.

4 When the Habeas Corpus Petition is taken up for hearing, today, the first respondent police has produced the detenu, namely, Sathyapriya, aged about 20 years, along with her child, namely, Kavia, aged about 1 year. On enquiry, the detenu has stated that she was ill-treated and tortured by the petitioner and hence, she does not want to go along with the petitioner. She has further stated that she is staying along with her friends, at Mysore. The detenu has further stated that one Manjunathan, son of Mani, who is her cousin brother, has also accompanied her. She has also stated that she would like to go to her friends house, along with the said Manjunathan, who is also present before this Court.

5 In such circumstances, we are of the view that it is appropriate to permit the detenu and her child to go as per her wish, as she is a major. Accordingly, the detenu and her daughter, Kavia, are permitted to go, as per the wish of the detenu. No further orders are necessary in the present Habeas Corpus Petition. It goes without saying that it will be open to the petitioner to seek his remedy, if any, before the appropriate forum, in the manner known to law, if so advised. Accordingly, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

1.The Inspector of Police,  
Kilpannathur Police Station,  
Thiruvannamalai District.

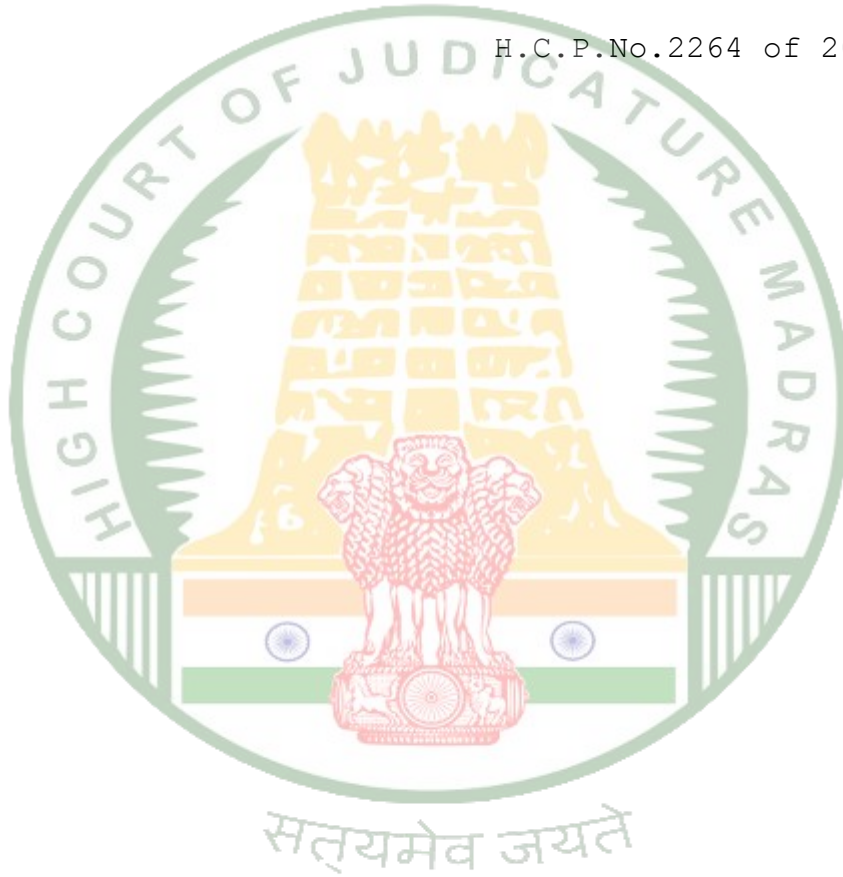
2.The Public Prosecutor,  
High Court, Madras.

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

+lcc to Mr.P. Vasanth, Advocate, S.R.No.4698

ks (CO)  
md(16/02/2017)

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