

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

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

H.C.P.No.2705 of 2016

Pandurangaiah Sharma .. Petitioner
Vs

1.The State,
represented by
The Inspector of Police,
B.1 Sivakanchi Police Station,
Kancheepuram.

2.Shanthi

3.Balasubramanian ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents to produce the petitioner's wife, Mahalakshmi, daughter of K.Ravi (late), aged about 24 years, before this court and to set her at liberty.

For Petitioner : Mr.R.Dakshinamurthy

For Respondents : Mr.V.M.R.Rajentran, APP for R-1

ORDER

[Order of the Court was made by M.JAICHANDREN,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, praying that this Court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's wife Mahalakshmi, daughter of Late K.Ravi, aged about 24 years,

before this Court and to set her at liberty.

3 It has been stated by the petitioner that the marriage between the petitioner and the detenu had taken place, on 14.8.2016, at Kanchipuram, as per the Hindu rites and customs. Thereafter, the petitioner and the detenu had been living together, as husband and wife. While so, the petitioner had gone to Tirupathi, on 30.9.2016, due to his professional commitments. On 2.10.2016, the detenu had gone missing. Therefore, the petitioner had lodged a complaint, before the first respondent, on 6.10.2016. The said complaint had been given C.S.R.No.725/2016. Since no effective steps had been taken, by the first respondent, to trace the detenu, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

4 Today, when the matter had been listed for hearing, the first respondent had produced the detenu before this Court. The mother of the detenu, the second respondent herein, was also present. On enquiry, the detenu, who is about 24 years of age, had stated that she is living along with her mother, at Kanchipuram. She had further stated that she is not willing to go along with the petitioner. She had also stated that she had taken steps to file a petition for divorce, before the Family Court and therefore, there is no chance of any amicable settlement in the matter.

5 The learned counsel appearing on behalf of the petitioner had stated that the petitioner had preferred H.M.O.P.No.694 of 2016, on the file of the Subordinate Court, Tambaram, for restitution of conjugal rights.

6 In view of the statements made by the detenu that she is not willing to go along with the petitioner and that she prefers to stay with her mother, at Kanchipuram, we are of the view that no further orders are necessary, for the present, in the present Habeas Corpus Petition. The detenu is permitted to go along with her mother, the second respondent herein, as per her wish. Accordingly, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the parties concerned to seek the necessary reliefs, if any, before the appropriate forum, in the manner known to law.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vvk

To

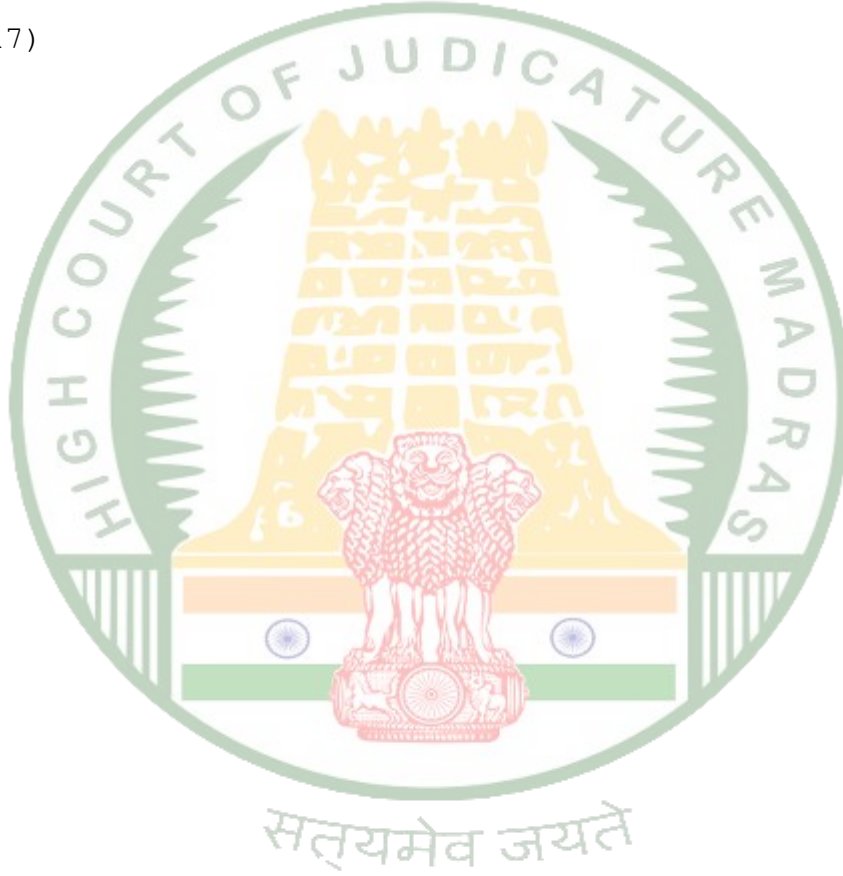
1.The Inspector of Police,
B.1 Sivakanchi Police Station,
Kancheepuram.

2.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.R.Dakshnamurthy, Advocate sr.248

H.C.P.No.2705 of 2016

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