

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 1278 OF 2018

C.Kowsalya

.. Petitioner

- Vs -

1. The Inspector of Police
Thalaivasal Police Station
Thalaivasal, Salem District.

2. Vairaperumal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the 1st respondent to produce the detenu, Chinnakkannu, now detained by the 2nd respondent before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. C.Prakasam

For Respondents: Mr. R.Prathap Kumar, APP for R-1

ORDER
(DELIVERED BY DR. S.VIMALA, J.)

The petitioner herein has filed this present petition seeking a direction to the 1st respondent to release her husband, Chinnakkannu, from the custody of the 2nd respondent.

2. The petitioner has filed a supporting affidavit stating that the petitioner's husband is doing paddy business and in connection with his business, he has purchased paddy from the 2nd respondent and his associates. It further appears that the amount due for the purchase of paddy has not been paid and that several agriculturists have given complaint against the detenu/accused and the case is under investigation by the District Crime Branch, Salem.

3. Learned Addl. Public Prosecutor produced the relevant records before the Court which reveals that the amount due to be repaid for the purchase of paddy comes to around Rs.3 Crores and that rent payable is more than Rs.50 Lakhs.

4. Taking into consideration the facts and circumstances as noted above, this Court is of the opinion that invoking the jurisdiction of this Court by the petitioner is only for the purpose of escaping from the clutches of law, in the case which is under investigation by the District Crime Branch. In the above circumstances, this Court cannot be a tool for the petitioner to avoid the due process of law. Therefore, this petition deserves to be dismissed and, accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

GLN

To
The Inspector of Police
Thalaivasal Police Station
Thalaivasal, Salem District.

+1cc to M/s.C.Prahasam, Advocate Sr.No.43027

PPA (CO)
sm:20.7.2018

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सत्यमेव जयते

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