

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.05.2018
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
&
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.2144 of 2017

K.Rajagopal

... Petitioner

Vs.

1. The Superintendent of Police,
Salem, Salem District.

2. The Sub-Inspector of Police,
Magudamchavadi Police Station,
Sankari Taluk, Salem District.

3. C.Govindan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body of Mrs.R.Rani, aged about 38 years, wife of the petitioner, who is in the illegal custody of the 3rd respondent and their men before this Hon'ble Court and to set her at liberty forthwith and hand over to the petitioner.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.Ravichandran,
Government Advocate [R1 and R2]

O R D E R

(Order of the Court was made by S.RAMATHILAGAM, J.)

The petitioner who is the husband of the detainee has filed this petition seeking for a direction to the 1st and 2nd respondents to produce the body of Mrs.R.Rani, aged about 38 years, wife of the petitioner, who is in illegal custody of the 3rd respondent and their men before this Court and to set her at liberty forthwith.

2.The detainee aged about 38 years was found missing from 22.12.2016. Based on a complaint, the case has been registered and it is also learned from the complaint that she was working in a Company, wherein the 3rd respondent has taken her forcibly out of the Company when she was working.

3.It is the grievance of the petitioner that the respondent police did not take any effort to enquire the 3rd respondent based on the complaint, while the respondent has taken all the steps to secure the detainee. A status report has also been filed based on the investigation, which reveals the fact that the detainee has illegal intimacy with the 3rd respondent viz., Govindan who is working with her at Chappal company and on the date of missing both the persons were found missing and she eloped with the said Govindan. During the course of investigation, the respondent police traced the 3rd respondent's mobile number which was also found switched off. In this regard, a regular case in Crime No.558 of 2017 under Women Missing on 05.12.2017 was registered and it is under investigation.

4.Hence, on perusal of the records it is found that the detainee herself had eloped with the 3rd respondent and there is no illegal detention by the 3rd respondent as per the view of the petitioner in this petition. Hence, in view of the relief sought for and the status report filed, this petition does not require any further adjudication.

5.Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar(CCC)/V.O

//True Copy//

Sub Assistant Registrar

dsa/gsa

To

- 1.The Superintendent of Police,
Salem, Salem District.
- 2.The Sub-Inspector of Police,
Magudamchavadi Police Station,
Sankari Taluk, Salem District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.D.Balachandran, Advocate, S.R.No.33206

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PA(CO)
CS/11/06/18