

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.05.2018

Coram

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

H.C.P.No.2170 of 2017

M.Vijayalakshmi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
E-6 Thiruporur Police Station
Kancheepuram District

.. Respondent

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 husband Murugaiya aged about 35 years before this Court and set him at liberty.

For Petitioner : Mr.V.Thiyagarajan

For Respondent : Mr.R.Ravichandran
Govt. Advocate.

O R D E R

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

The wife of the detenu preferred the present Habeas Corpus Petition on the ground that her husband Mr.Murugaiya, aged about 35 years was missing. The petitioner states that she married the detenu Mr.Murugaiya and out of their wedlock, a male child, namely Divesh born on 21.02.2016. The husband of the petitioner was working as a storekeeper at Injampakkam, Chennai. On 30.06.2016, the husband of the petitioner had not returned back to home. Thereafter, the petitioner enquired about his whereabouts in the nearby area, but her efforts ended in vain. The petitioner went to Ramnadhapuram, which is the native place of her husband/detenu. She came to understand that her husband/detenu had an extramarital affair with some other girl and eloped with that girl. Thus, the petitioner is constrained to file the present Habeas Corpus Petition.

2. The learned Government Advocate appearing on behalf of the respondent police relied on the status report filed by Mr.G.Ramesh, Inspector of Police, E-6, Thiruporur Police Station, Kancheepuram District and contended that the respondent police had examined the complainant/petitioner and recorded her statement. The marriage solemnized between the petitioner and the detenu is confirmed. However, on investigation, the respondent found that the detenu after leaving the matrimonial home of the petitioner joined at VGP company as Storekeeper. In the said company, the detenu had an illegal affair with one Josepin and subsequently, the detenu eloped with the said girl, namely Josepin. The police investigation reveal that the husband of the petitioner/detenu developed an illicit relationship with Smt.Josepin and living separately. This being the facts culled out by the respondent police on investigation, we are of the considered opinion that the writ petitioner has not established any illegal detention, which is a precondition for the purpose of entertaining a Habeas Corpus Petition under Article 226 of the Constitution of India. In the absence of any such suspicion or illegal detention, Courts should not entertain any such Habeas Corpus Petition. It is left open to the petitioner to approach the competent court of law for the purpose of redressing her grievances.

With these observations, the present Habeas Corpus Petition stands dismissed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Inspector of Police
E-6 Thiruporur Police Station
Kancheepuram District

2.The Public Prosecutor,
Madras High Court,
Chennai.

H.C.P.No.2170 of 2017

RK (CO)

RRK (28/05/18)