

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.05.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.No.2275 of 2017

Rose

.. Petitioner

vs.

1.State rep by its.,
The Superintendent of Police,
Thiruvallur District.

2.State rep by its.,
The Inspector of Police,
Kanagammachatram Police Station,
Thiruvallur District.

3.Subashini .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents 1 and 2 to produce the body of the detenu the petitioner's Husband Elangovan, aged about 36 years, now under the custody of the 3rd respondent and set the detenu at liberty forthwith.

For petitioner : M/s.D.Dayalan

For Respondents: M/s.Hari Hara Arun Soma Sankar.G

Government Advocate for R1 and R2

ORDER

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

The relief sought for in this Habeas Corpus Petition is for a direction to direct the respondents 1 & 2 to produce the body of the detenu, the Petitioner's husband. Aged about 36 years now under the custody of the third respondent and set the detenu at liberty forthwith.

2.The learned Government Advocate appearing on behalf of the respondents 1 & 2, relying on the status report filed by Mr.S.E.Sardar Rahmadulla Sheriff, Inspector of Police,

Thiruvalangadu Circle, Thiruvallur District submitted that the present Habeas Corpus petition has been filed solely on the ground that the 3rd respondent by force, compelled the husband of the petitioner with an intention to marry him second time and in this regard, the petitioner has given a complaint to the 2nd respondent / Police on 23.10.2017 and further, the 2nd respondent has not taken any action on the complaint given by the petitioner. However, the status report filed by the 2nd respondent states that there was no such complaint received by the respondent / Police as stated in paragraph 3 of the affidavit filed in support of the present Habeas Corpus petition.

3.The learned Government Advocate appearing on behalf of the respondents 1 & 2 now submitted the copy of the complaint given by the petitioner dated 19.03.2018. Thus, the petitioner has not so far given any complaint as stated in paragraph 3 of the affidavit and the complaint dated 19.03.2008 was sent only through the registered post belatedly.

4. In view of the fact that there was no such complaint received by the 2nd respondent on 23.10.2017, there is no cause for filing the Habeas Corpus petition. However, now a complaint has been registered by the petitioner on 19.03.2018. Thus, the petitioner is at liberty to pursue the said complaint dated 19.03.2018 in the manner known to law. However, in respect of the present Habeas Corpus petition, the petitioner has not established any cause. In view of the fact that no such complaint dated 23.10.2017 had been received by the 2nd respondent / Police. Further, there is no acknowledgment produced along with the said copy of the complaint dated 23.10.2017. Even the said complaint dated 23.10.2017 enclosed in page 3 of the typed set of papers filed along with the petition, is not even signed by the complainant nor any acknowledgment has been enclosed. Thus, no further adjudication is required in this Habeas Corpus petition.

5.Accordingly, this Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

kak/vsm

To

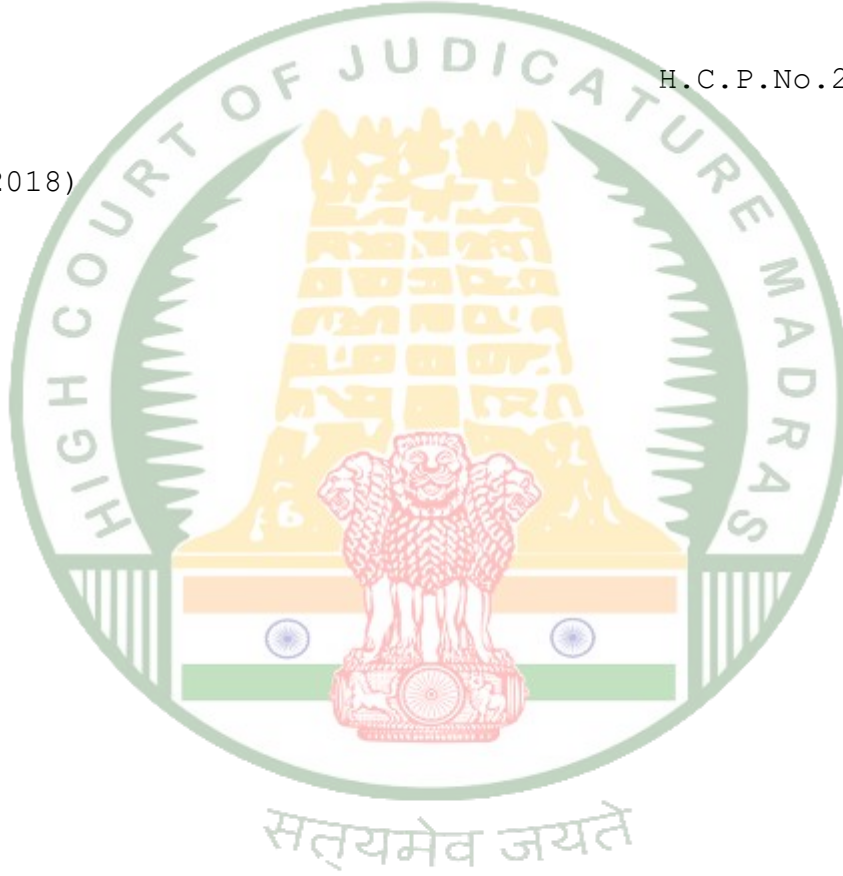
1.The Superintendent of Police,
Thiruvallur District.

2.The Inspector of Police,
Kanagammachatram Police Station,
Thiruvallur District.

3.The Public Prosecutor
High Court, Madras.

H.C.P.No.2275 of 2017

KAN (CO)
TR (23/05/2018)



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