

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

H.C.P.No.287 of 2019

V.Siva

.. Petitioner

Vs.

State Rep. by
The Inspector of Police
Orathi Police Station
Kancheepuram District.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondent herein to produce the body in person of the petitioner's wife namely S.Devi, aged about 26 years and his daughter S.Rushika, aged about 8 years before this Court and set them at liberty forthwith.

For Petitioner ... Mr.M.Gnanasekar

For Respondent ... Mr.C.Iyyapparaj

Additional Public Prosecutor

ORDER

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

The petitioner is husband of the detinue namely S.Devi, aged about 26 years, and according to him, her wife and his minor daughter named S.Rushika are missing from 27.11.2018 and despite his best efforts, they could not be traced. A complaint in this regard was given by the petitioner on the file on Orathi Police Station, Kancheepuram District, based on which the respondent-police registered a case in Crime No.177 of 2018 for "women missing". Since no effective steps were taken by the respondent, and the petitioner is very much concerned about the well-being and safety of the minor child and his wife, came forward to file this Habeas Corpus Petition.

2. This petition was entertained on 05.02.2019 and came up for hearing on subsequent dates and it was adjourned to 20.03.2019. Though the matter was not listed today (ie., on

18.03.2019), but at the instance of the learned Additional Public Prosecutor appearing for the respondent, the matter was taken up for hearing, for the reason that the detainee and minor child are traced.

3. The detainee was present before this Court along with the minor child and she on enquiry, would submit that her husband is none other than the brother of her mother and since she was castigated by her husband, she left her home along with her minor child on her own volition and stayed in her friends house, and now she has expressed her willingness to go with her husband.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent would submit that the detainee along with her minor daughter are produced before the Judicial Magistrate Court No.I, Madurantakkam on 16.03.2019 and after recording the statement, the learned Magistrate allowed the detainee and the minor child to go with the petitioner.

5. In the light of the fact that the detainee is the wife of the petitioner, who is present along with the minor daughter and has expressed her willingness to join her husband, the petitioner herein, nothing remains for further adjudication in this Habeas Corpus Petition and therefore, closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

To:

1. The Inspector of Police
Orathi Police Station
Kancheepuram District.
2. The Public Prosecutor
High Court, Madras.
3. The Judicial Magistrate No.I,
Madurantakkam.

+1 cc to Mr.*, Advocate, S.R.No.25524

H.C.P.No.287 of 2019

RSI(CO)
SSM(29/04/2019).