

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.393 of 2019

M.Chandrasekar

Petitioner

Versus

State by

1.The Superintendent of Police
Tiruvallur District.

2.The Deputy Superintendent of Police,
Tiruttani, Tiruvallur District.

3.The Inspector of Police,
Kanakammachatram Police Station,
Tiruvallur District.

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the 3rd respondent herein to produce the petitioner's wife Vennila aged 40 years before this Court and set her at liberty.

For Petitioner : Mr.R.Ramesh

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor
ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the husband of the detinue, namely Vennila and according to him, he got married the detinue in the year 2006 and out of wedlock, two female children were born to them and they are aged about 13 and 11 years respectively. It is the specific case of the petitioner that on 08.10.2018, the detinue left the matrimonial home and she did not return and despite his best efforts, she could not be traced and therefore, he lodged a complaint on the file of the 3rd respondent on

10.10.2018. It is also the specific allegation that the detenue also took valuable jewels and cash and eloped with one Prakash.

2. The matter is listed today at the instance of the learned Additional Public Prosecutor, in view of the fact that the detenue has been traced.

3. The detenue is produced before this Court and on enquiry, she would state that she is subjected to physical and wordy abuse due to drunken behaviour of the petitioner and unable to bear with the same, she, on her own volition, left the matrimonial home and at present she is staying at Tharamangalam, Salem District. The detenue would further state that she intend to file a petition for divorce and also taking steps to take the custody of the two female children.

4. The petitioner / husband of the detenue is present before this Court and he refuted the said allegations and reiterated that the detenue has developed illicit intimacy with Prakash and while going out of the matrimonial home, she took jewels and cash of Rs.7,00,000/-.

5. The stepmother of the detenue, who is present before this Court, is also enquired and she would state that at the time of marriage, 20 sovereigns jewels were given to her.

6. The learned Additional Public Prosecutor appearing for the State would submit that since the complaint also discloses commission of cognizable offences, the F.I.R. came to be registered and impartial investigation will be done.

7. In the light of the fact that the detenue is a major aged about 40 years and on enquiry, she would state that on her own volition, she left the matrimonial home, this Court is of the considered view that it cannot pass any positive order directing the detenue to join the company of the husband / petitioner.

8. In the result, the Habeas Corpus petition is disposed of and the detenue is set at liberty to take a call on her future and well being.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Tiruvallur District.

2.The Deputy Superintendent of Police,
Tiruttani, Tiruvallur District.

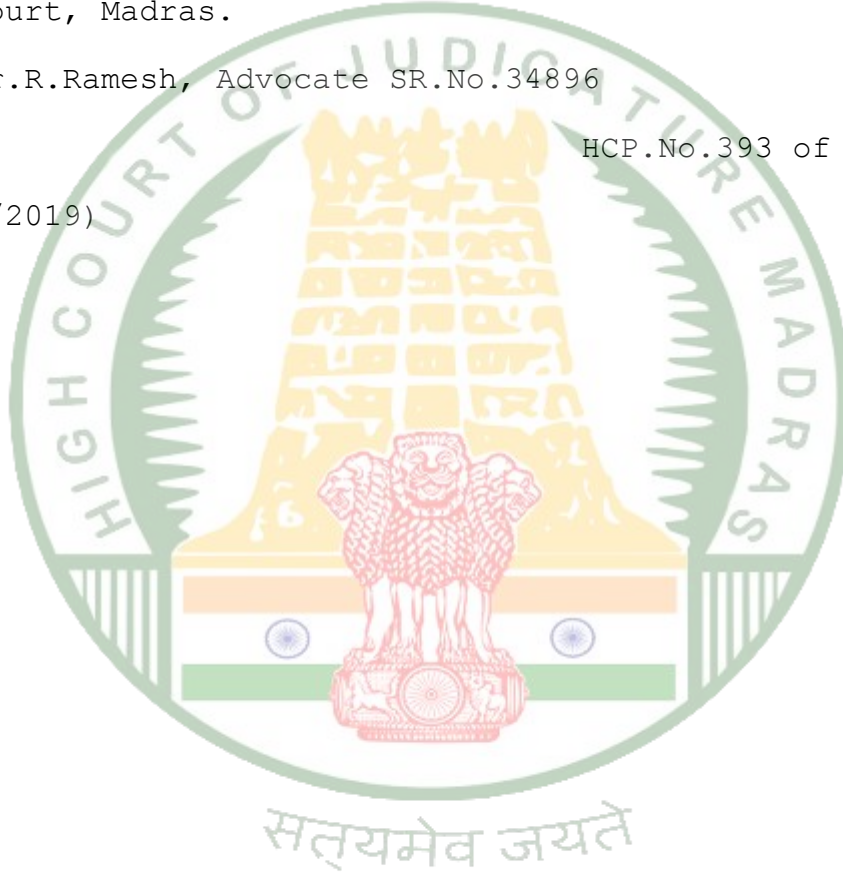
3.The Inspector of Police,
Kanakammachatram Police Station, Tiruvallur District.

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Ramesh, Advocate SR.No.34896

HCP.No.393 of 2019

GP(CO)
GMY(27/05/2019)



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