

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and  
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1997 of 2018

L.Sweety Priscilla

... Petitioner

-vs-

1.The Commissioner of Police  
Office of the Commissioner,  
Vepery, Chennai - 600 007.

2.The Inspector of Police,  
S-15, Selaiyur Police Station,  
Selaiyur, Chennai - 600 126.

3.Jebakani Muthammal

4.Kiruba Kingstonia

5.Ebenraj Beniel

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the second respondent to produce the body and person of the detenu Leo Livingston S/o. Vincent Vedamani Sameul aged about 48 years before this Court and set him at liberty forthwith.

For Petitioner : Ms.S.Murugeswari

For Respondents Mr.R.Prathap Kumar  
: Addl. Public Prosecutor  
for R1 & R2

ORDER

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

The petitioner is the wife of the detenu. After shooting off a complaint and without waiting for a day, the Habeas Corpus Petition has been filed, inter alia, alleging that he is missing without indicating the day or year from which he is missing.

2. The status report filed by the Deputy Commissioner of Police, St. Thomas Mount District, Chennai - 600 016 would reveal that the relationship between the petitioner and the detenu has got strained over the years. Even in the year 2012, she has filed a petition for divorce. She has also filed a petition under the Domestic Violence Act. The mother of the detenu has also deposed that she has not seen him since the year 2016. The detenu has also borrowed money from the third parties which he did not return. The status report further revealed that he has eloped with some other co-employee. Considering the above, we are of the view that there is no illegal detention involved.

3. The learned counsel appearing for the petitioner submitted that the detenu has put the petitioner in trouble by forging her signature and obtained loan. We are afraid that such a grievance cannot be a ground to entertain this writ petition. Suffice it to state that there is no illegal detention involved.

4. In such view of the matter, the Habeas Corpus Petition stands dismissed. However, the investigation being preliminary in nature, efforts should be made to trace the detenu. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mni/ssm  
To

1. The Commissioner of Police  
Office of the Commissioner,  
Vepery, Chennai - 600 007.

2. The Inspector of Police,  
S-15, Selaiyur Police Station,  
Selaiyur, Chennai - 600 126.

3. The Public Prosecutor,  
High Court, Madras.

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nr 17/10/2019