

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.861 of 2019

G.Velu @ Seeman ... Petitioner

Vs

1. The Superintendent of Police,
District Police Office,
Thiruvallur District,
Thiruvallur.

2. The Sub Inspector of Police,
Kadampattur Police Station,
Tiruvallur District.

3. Varaprasath

4. S.Balaraman

5. Ammulu.

.... Respondents

4th and 5th respondents are impleaded as per order in
Crl.M.P.No.6857 of 2019 in H.C.P.No.861 of 2019 dated 04.06.2019.

Habeas Corpus 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 wife
namely Pooja now aged about 20 years before this Court and set
her at liberty.

For Petitioner : M/s.A.Nagarathinam

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor
for R1 and R2

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Husband of the detenu, namely, Pooja, aged 20 years, has filed a Writ of Habeas Corpus, directing the respondents to produce his wife before this Hon'ble Court and set her at liberty.

2. It is stated that the marriage between the petitioner and his wife Pooja was solemnized on 27.01.2019. On 09.03.2019 the third respondent who is Aunt's son of the detenu abducted the petitioner's wife and kept her in his illegal custody against her will. The petitioner has stated in the affidavit that his wife is under illegal custody of the third respondent and hence the present Habeas Corpus Petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that there was some family dispute between the petitioner and the wife/Pooja, hence she left the matrimonial home and went to her mother's house.

4. Heard both side and perused the materials available on record.

5. Since the matter pertains to family dispute between husband and wife, this Court, on 06.09.2019 referred the matter to Mediation Centre, High Court, Madras and before the Mediation Centre, both parties expressed their unwillingness for mediation and thus the matter has been listed today. Considering the facts and circumstances of the case, we are of the view that since the detenu/wife is in the custody of her mother, it cannot be said that she is in illegal custody. Therefore, we do not find any reason to issue any direction as prayed for by the petitioner. However liberty is granted to the petitioner to approach the appropriate forum, if so advised.

6. With the above observation, the Habeas Corpus Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
District Police Office,
Thiruvallur District,
Thiruvallur.
2. The Sub Inspector of Police,
Kadampattur Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Nagarathinam Advocate sr104954

H.C.P.No.861 of 2019

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