

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22..08..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR

Habeas Corpus Petition No.1675 of 2019

R.Nithya Kalyani

... Petitioner

-Versus-

1.The State of Tamil Nadu,
Rep. by The Inspector of Police,
T4, Madhuravoyal Police Station,
Chennai 600 095.

2.Mr.N.Kannan

3.Mrs.Adilakshmi

4.Mrs.B.Ananthi

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the body of the detenu Mr.K.Ramesh Babu, aged 51 years, Son of Punniyakotti, from the illegal custody of the respondents 2 to 4 before this court and set him at liberty.

For Petitioner : Mr.S.Krishnaswamy

For Respondents : Mr.C.Iyyappa Raj, APP for
for R1

WEB COPY

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the wife of the detenu. Alleging that her husband is missing and despite the complaint given, no action is taken, the petitioner has come forward with this petition.

2. The learned Additional Public Prosecutor, on instructions, submitted that there is an on-going dispute between the petitioner and the detinue. Initially, a complaint was given in the year 2002 alleging that the detinue was living in adultery. It was subsequently closed. Subsequently, another complaint was given by the mother of the petitioner for the property dispute against the detinue. Thus, there is no illegal detention involved as the detinue is living in some other place away from the petitioner.

3. Considering the above, we are not inclined to keep this petition pending. This Habeas Corpus Petition is closed, however, the investigation shall go on as the above submission of the learned Additional Public Prosecutor are based only upon the preliminary investigation. The 1st respondent is directed to take necessary steps to secure the detinue As soon as the detinue is traced he should be produced before the jurisdictional Magistrate.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk
To

1.The Inspector of Police, T4, Madhuravoyal Police Station,
Chennai 600 095.

2.The Public Prosecutor,
High Court, Chennai. सत्यमेव जयते

+1cc to Mr.R.S.Krishnaswamy, Advocate Sr.72245

ss[co]
srg 04/11/2019

H.C.P.No.1675 of 2019