

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10..06..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M. NIRMAL KUMAR
Habeas Corpus Petition No.2402 of 2017

Yasotha J

... Petitioner

-Versus-

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600007.

2.The Inspector of Police,
S1-St. Thomas Mount Police Station,
St. Thomas, Chennai 600016.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu - M.Jayabal, Son of Madhavapillai, aged about 40 years who is the husband of the petitioner before this court and set him at liberty.

For Petitioner : Mr.E.P.Senniyangiri

For Respondent : Mr.C.Iyyapparaj, APP for
R1 and R2

ORDER

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

The petitioner is the wife of the detenu. According to her, the detenu has been missing from the year 2014 onwards.

2. Though the counsel for the petitioner stated that complaint was given to the police regarding the missing of the husband of the petitioner, no material has been produced before this court to substantiate his contention. The complaint which was given on 02.08.2017 merely states that detenu is missing. Thus, the submission of the counsel for the petitioner that the detenu was missing from the custody of the police cannot be countenanced.

3. The learned Additional Public Prosecutor, on instructions from the Assistant Commissioner of Police and the Inspector of Police, who are present in court, submitted that it is the case of matrimonial discord. The family members of the petitioner had assaulted the detenu in the year 2014 and thereafter, he had left the matrimonial home.

4. Considering the above, we are not inclined to keep this petition pending any longer and accordingly, this Habeas Corpus Petition is dismissed. However, the dismissal of the petition will not stand in the way of the 2nd respondent to proceed further with the enquiry.

Sd/-

Deputy Registrar(CJ Conf)

//True copy//

Sub Assistant Registrar

kmk

To

- 1.The Commissioner of Police, Greater Chennai, Vepery, Chennai 600007.
- 2.The Inspector of Police, S1-St. Thomas Mount Police Station, St. Thomas, Chennai 600016.
3. The Public Prosecutor, High Court, Madras

H.C.P.No.2402 of 2017

GJ(CO)
GMY(01/07/2019)

सत्यमेव जयते

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