

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

Coram

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

H.C.P. No. 2077 of 2019

M.A.Abdul Samad

... Petitioner

-vs-

The Inspector of Police
Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam,
Chennai - 600 064.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondent to trace out petitioner's wife Mrs.Sara Wa Hajira, age 37 years, produce her before this Court and set her at liberty.

For Petitioner : Mr.S.Nambi Arooran

For detainee : Mr. Vasudevan

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor

सत्यमेव जयते
ORDER

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

Inter alia, alleging that the wife is in the illegal detention, the petitioner, being the husband, has filed the present Habeas Corpus Petition.

2. When the matter is taken up for hearing, the learned counsel appearing for the wife/detenué submitted that by way of 'khula' dated 30.08.2016, the wife of the petitioner has divorced him. Thereafter, she has re-married on 07.07.2019 pursuant to which, she is living with the new husband.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is not put on notice about the 'khula' dated 30.08.2016. We are not inclined to go into the said issue. Suffice it to state that there is no illegal detention involved.

4. Admittedly, there is no illegal detention involved. The detainee viz., Mrs.Sara Wa Hajira, has also re-married. Thus, looking from any perspective, we do not find any illegal detention involved in this case.

5. Accordingly, the Habeas Corpus Petition stands dismissed. However, we have not expressed anything on the merits of the case qua 'khula'.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Inspector of Police
Chitlapakkam Police Station,
Jothi Nagar, Chitlapakkam,
Chennai - 600 064.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Nambi Arooran, Advocate SR.81723

H.C.P. No. 2077 of 2019

PPA(CO)
CB(01/11/2019)

सत्यमेव जयते

WEB COPY