

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2019

CORAM

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

H.C.P.No.2377 of 2019

P.Muthu Singam ... Petitioner

vs.

1. Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police
Ambattur, Thiruvallur District.
2. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Avadi, Thiruvallur District.
3. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai-600 062 ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of Habeas Corpus directing the third respondent herein to produce the body of his wife Karpagavalli aged 26 before this Court and set her at liberty.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

(Order of the Court was made by R.Subbiah, J)

Petitioner has filed this Habeas Corpus Petition seeking direction to the third respondent to produce the body of the petitioner's wife Karpagavalli aged 26 years before this Court and set her at liberty.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner submitted that the detinue is the wife of the petitioner and they had one daughter and a son aged about 6 years and 4 years respectively. Since the detinue/wife of the petitioner was found missing from 06.08.2019, a complaint has been lodged by the petitioner before the respondents on 16.08.2019 and C.S.R.No.968 of 2019 pertaining to the said complaint is pending. Since no action has been taken by the respondents till date the petitioner has come forward with this petition seeking for the aforesaid relief.

4. Today, when the matter is taken up for hearing the detinue is present along with one Pandian and she expressed her unwillingness to go with the petitioner. She had further stated that her children are under the custody of her mother.

5. As the matter pertains to family dispute, this Habeas Corpus Petition is not maintainable. Hence, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law by filing appropriate petition.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police
Ambattur, Thiruvallur District.
2. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
Avadi, Thiruvallur District.
3. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thirumullaivoyal,
Chennai-600 062
4. The Public Prosecutor, High Court, Madras - 104.

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A.SK(03/02/2020)