

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 04.12.2019

CORAM :

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

H.C.P.No.2504 of 2019

T.Nagesh, S/o.Thulasiya ... Petitioner

versus

1.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

2.Ganapathi ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the first respondent to produce the petitioner's wife, namely, Sarala, W/o.Nagesh, aged about 25 years before this Court from the illegal custody of the second respondent and set her at liberty.

For Petitioner : Mr.J.Pradeep

For Respondent No.1 : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

This Petition is filed praying for issuance of a Writ of Habeas Corpus, to direct the first respondent to produce the petitioner's wife, namely, Sarala, W/o.Nagesh, aged about 25 years, before this Court from the illegal custody of the second respondent and set her at liberty.

2. The petitioner is the husband of the detenue-Sarala, who is aged about 25 years. In the affidavit filed in support of this petition, it is stated that the petitioner's wife / detenue was found missing from 02.09.2019 onwards. The petitioner came to know that his wife would have been kidnapped by the second respondent, who is residing in the same area. Therefore, he lodged a complaint before the first respondent-Police, which was registered in Crime No.155 of 2019. Since no action has been taken to secure the petitioner's wife (detenue), this petition is filed by her husband.

3. When the petition is taken up for hearing today, the learned Additional Public Prosecutor appearing for the first respondent submitted that, on earlier two occasions, petitioner's wife had eloped with the second respondent and thereafter, she was secured and handed over to the petitioner. This is the third time and a case was registered in Crime No.155 of 2019 and the investigation is under progress.

4. In view of the submission made by the learned Additional Public Prosecutor appearing for the first respondent, it is a repeated practice of the detinue and therefore, there is no need to direct the first respondent-Police to produce the detinue before this Court. However, we direct the first respondent-Police to proceed with the investigation in respect of the above said complaint registered in Crime No.155 of 2019 in accordance with law at the earliest.

5. With these observations, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

sri

To

1.The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2504 of 2019

RK(CO)
GMY(27/01/2020)