

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6/12/2019

C O R A M

THE HON'BLE MR.JUSTICE R.SUBBIAH
&
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2746 of 2019

D. Kirubakaran ... Petitioner

Vs

1. The Commissioner of Police
Egmore
Chennai.
2. The Inspector of Police
G 7 Chetpet Police Station
Chetpet
Chennai. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the body and person of the petitioner's wife Sumitha aged about 35 years and minor daughter Saishree, aged about 9 years before this Court and set them at liberty.

For petitioner ... M/s.S.Vennila
For respondents... Mr.R.Pratap Kumar
Additional Public Prosecutor.

O R D E R

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

Petitioner, who is the husband and father of Sumitha and minor daughter Saishree, aged about 35 years and 9 years, respectively, has filed the instant Habeas Corpus Petition, to produce the body of his wife and daughter before this Court and set them at liberty.

2. Heard Ms.S.Vennila, learned counsel for the petitioner and Mr.R.Pratap Kumar, learned Additional Public Prosecutor for the respondents.

3. Learned counsel for the petitioner submits that the first detainee is running a provisional shop and the second detainee is studying IV Standard. On 9/10/2019, petitioner dropped her daughter in the dance class. When he went for pick up, she went missing. After searching the detainee, he gave a call to his wife, but the same was switched off. Hence, on 20/10/2019, lodged a complaint to the respondent Police. Since no action was taken, petitioner has come forward to file the instant Habeas Corpus Petition.

4. Today, when the Habeas Corpus Petition is taken up for consideration, first detainee was produced. On enquiry, she has stated that she is unable to tolerate the torture given by the petitioner. Hence, she went to her brother's house and now she is residing there with her daughter. She expressed her unwillingness to go with the petitioner.

5. In view of the above stated circumstances, we are of the opinion that nothing survives for further adjudication in this matter. Accordingly, Habeas Corpus Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police
Egmore
Chennai.
2. The Inspector of Police
G 7 Chetpet Police Station
Chetpet
Chennai.
3. The Public Prosecutor
High Court of Madras
Madras

+1 cc to M/s.S.Vennila Advocate sr102080

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