



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

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

H.C.P.No.2826 of 2019

M.Ranjith Kumar

... Petitioner/Friend of detenue

Vs

1. The Commissioner of Police
Chennai.
2. The Inspector of Police (L&O)
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai 600 094.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents to produce the detenue Thangathurai, aged about 38 years, S/o.Muniyandi, before this Court and set him at liberty.

For Petitioner : M/s.A.Laxmi Raj Rathinam
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents to produce the petitioner's friend namely, Thangathurai, S/o.Muniyandi, aged about 38 years before this Court and set him at liberty.

2. Heard both sides and perused the materials placed before this Court including the status report filed by the second respondent herein.



3. A perusal of the status report would reveal that initially due to misunderstanding the detinue was living separately from his wife and also filed a divorce petition before the Family Court, Chennai and that the detinue had informed his friend/petitioner that he has been threatened by his wife and her family members. Subsequently the petitioner could not trace the whereabouts of the detinue and hence he lodged a complaint before the Choolaimedu Police Station, Chennai. It is further seen from the status report that during the course of enquiry it is found that the brother of the detinue contacted him over phone who had informed that he is living with his wife and children in his mother-in-law's house at Virudhunagar district. The said fact has also been strengthened by the brother-in-law of the detinue. It is also seen from the status report that after lodging the complaint on 09.12.2019 the detinue and his wife appeared before the V Additional Principal Family Court, Chennai and a compromise had been entered into between them and they are now living as husband and wife under the same roof. The learned Additional Public Prosecutor also produced the letter of the detinue addressed to the second respondent herein stating that he does not know the petitioner.

4. This Court is of the considered view that the petitioner who happened to be the friend of the detinue has not made out any case, hence this Court is inclined to dismiss the present Habeas Corpus Petition by directing the petitioner to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Hon'ble The Chief Justice Relief Fund, High Court, Madras on or before 07.01.2020. For reporting compliance post on 08.01.2020.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq



To

1. The Commissioner of Police
Chennai.
2. The Inspector of Police (L&O)
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai 600 094.
3. The Public Prosecutor,
High Court, Madras.

Copy to:

1. The Section Officer,
Criminal Section,
High Court, Madras (Watching for reporting Complaisance)
2. The Section Officer,
Accounts Section,
High Court, Madras.

H.C.P.No.2826 of 2019

rji(co)
nr 06/01/2020