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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 05.07.2019

CORAM

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN**

H.C.P. (MD) NO. 596 OF 2019

V.Parameswaran

.. Petitioner

- Vs -

1. The Superintendent of Police
Theni District, Theni.

2. The Inspector of Police
Palani Town Police Station
Palani, Dindigul District.

3. Vallavan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing respondents 1 and 2 to secure the body or person of the detainee, viz., Vimala, D/o Rajendran, aged about 30 years, before this Hon'ble Court and set her at liberty.

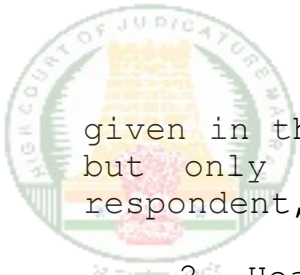
For Petitioner : Mr. M.Ramu

For Respondents : Mr. K.Dinesh Babu, APP for RR-1 & 2

ORDER

(Order of the Court was made by M.Sathyannarayanan, J.)

The petitioner is the husband of the detainee, viz., Vimala, aged about 30 years and according to him, the marriage between him and the detainee came to be solemnized and out of the said wedlock, two male children were also born. It is the specific case of the petitioner that the 3rd respondent, by enticing his wife/detinue with sweet words and promises, had abducted her and the complaint



given in this regard did not result in the registration of any case, but only a CSR and alleging inaction on the part of the 2nd respondent, has come forward to file the present petition.

2. Heard the learned counsel appearing for the petitioner and Mr. Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of the 2nd respondent, and on instructions, submit that the detainee/wife of the petitioner had eloped with the 3rd respondent and CSR No.282/19 has been registered by the respondents and enquiry is going on.

3. Admittedly, the detainee is a major and also a married woman and out of wedlock with the petitioner, had begot two male children and, therefore, she is very much aware of the consequence of leaving her matrimonial home and eloping with the 3rd respondent. However, taking into consideration the anxiety exhibited by the petitioner as to the well being, whereabouts and safety of his wife and the further fact that he is also left in lurch to maintain the two infant male children, aged about 5 and 6 years respectively, this Court directs the 2nd respondent to cause proper and effective enquiry in CSR No.282/2019 in accordance with law and inform the result of the enquiry to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

4. This habeas corpus petition is disposed of accordingly.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police
Theni District, Theni.
2. The Inspector of Police
Palani Town Police Station
Palani, Dindigul District.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.M.RAMU, Advocate (SR-73806[F] dated 05/07/2019)

GLN

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