

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

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

H.C.P.No.73 of 2020

Vijay
S/o.Siva

... Petitioner

Vs

1.The Commissioner of Police,
Chennai.

2.The Inspector of Police,
G7, Chetpet Police Station,
Chennai.

3.Nageshwari
W/o.Jayakumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents 1 and 2 herein to secure the body of the detainee, viz., Haanisha, aged 22 years, W/o.M.Vijay and produce her before this Court and set her at liberty.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor [R1 & R2]

O R D E R

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

Petitioner, who is the husband of the detainee viz., Haanisha, aged 22 years, has filed the present petition seeking a direction to respondents 1 and 2 to produce the detainee before this Court and set her at liberty.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Learned counsel for petitioner submits that the detainee went missing from 15.12.2019. After searching for the detainee with friends and relatives, petitioner lodged a complaint before respondents 1 and 2. Since no effective steps

have been taken, petitioner has filed the present petition seeking the aforesaid relief.

4. Learned Additional Public Prosecutor has filed a detailed enquiry report of Deputy Commissioner of Police, Kilpauk District, Greater Chennai Police, wherein it is stated that there was some dispute between the petitioner and the detinue. The detinue preferred complaints before AWPS, Srivilliputhur as well as AWPS, Kilpauk. The detinue has also filed a petition seeking divorce before Family Court, Srivilliputhur. The detinue is living with her parents on her own volition and there is no illegal detention.

5. The detinue is produced before this Court. On enquiry, she expressed her unwillingness to join the petitioner. In the aforesaid circumstances, this Court is of the view that there is no illegal detention.

Accordingly, the Habeas Corpus Petition is closed. However, petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Commissioner of Police,
Chennai.

2.The Inspector of Police,
G7, Chetpet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No. 12103

H.C.P.No.73 of 2020

AK(CO)
GN(17/03/2020)