

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.97 of 2020

P.Kesavan
S/o.Perumalsamy

... Petitioner

Vs

1. The Inspector of Police,
Ayyappanthangal Police Station,
Porur, Chennai - 600 116.
(Crime No.677/2019)

2. Kimbu Vivek @ Pratap
S/o.Gopinath

3. Gopinath

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus seeking a direction to first respondent to produce the detainee viz., Kanagalakshmi W/o.P.Kesavan and minor daughters, viz., Akshaya, aged 12 and Monisha, aged 8, before this Court and set them at liberty.

For Petitioner : Mr.S.Shanmugaperumal

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

Petitioner, who is the husband of detenue Kanagalakshmi and father of detenues Akshaya and Monisha, has filed the present petition seeking a direction to first respondent to produce the detenues before this Court and set them at liberty.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for first respondent.

3. Learned counsel for petitioner submits that the detenues went missing from 03.12.2019. Petitioner came to know that the second respondent abducted the detenues with the help of henchmen in a Car. Petitioner lodged a complaint before the first respondent and a case was registered in Crime No.677 of 2019 for 'Woman and Girl Missing'. Since no action was taken thereafter, petitioner has filed the present petition seeking the aforesaid relief.

4. Today, the detenues are produced before this Court. Petitioner is also present. We enquired both detenue Kanagalakshmi and petitioner.

5. Detenue Kanagalakshmi submits that unable to bear the harassment of petitioner, she left the home on her own volition along with the children, staying in her friend's house viz., Suganthi and going for job. Detenue Kanagalakshmi also expressed her unwillingness to join the petitioner. Petitioner denied the version of detenue Kanagalakshmi.

6. Be that as it may, this Court finds that this is a case of family dispute and there is no illegal detention of detenues. Further, the detenue Kanagalakshmi is also not willing to join the petitioner. In such circumstances, nothing survives for further adjudication in the present petition.

Accordingly, the Habeas Corpus Petition is dismissed. However, petitioner is at liberty to work out his remedy in the manner known to law, if he so desires.

Sd/-

Assistant Registrar(CS V)

Dt: 12/03/2020

//True Copy//

Sub Assistant Registrar

gm

To

1. The Inspector of Police,
Ayyappanthangal Police Station,
Porur, Chennai - 600 116.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Shanmugaperumal, Advocate, S.R.No.13180

H.C.P.No.97 of 2020

(CO)AK (10/03/2020)
KKV(16/03/2020)

सत्यमेव जयते

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