

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 24.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.308 of 2020

R.Viji W/o.T.Ramkumar

...Petitioner

versus

State Rep. by

1.Deputy Superintendent of Police,
St.Thomas Mount,
Greater Chennai,
Chennai - 600 016.

2.Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai - 600 100.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the second respondent to produce the corpus of the petitioner husband T.Ramkumar, S/o.Thangapandian, aged about 24 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.N.Karthikeyan

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

WEB COPY
O R D E R

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

This petition is filed praying for issuance of a Writ of Habeas Corpus to direct the second respondent to produce the detenu, by name T.Ramkumar, S/o.Thangapandian, aged about 24 years, before this Court and set him at liberty.

2. The petitioner is the wife of the detenu-Ramkumar, who is aged about 24 years. The marriage between the petitioner and the detenu was solemnized on 04.09.2019 as per Hindu Rites and Customs and later, due to misunderstanding, the detenu left home on 14.01.2020. Thereafter, the petitioner searched the detenu from her relatives, friends and neighbours, home but she could not trace the detenu. In this regard, the petitioner preferred a complaint before the second respondent-Police. Since the petitioner's husband (detenu) could not be secured, this petition is filed by his wife.

3. When the petition is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State has produced the detenu-Ramkumar before this Court. He is aged about 24 years. When we enquired him, he submitted that due to misunderstanding with the petitioner, on his own volition, he left home and now, residing at Chitalapakkam, Chennai. However, he expressed his willingness to join with his wife-Viji.

4. The learned counsel for the petitioner submitted that the petitioner-wife is a pregnant lady admitted in the Hospital at Tirunelveli and hence, she is not present before this Court.

5. Since the detenu being major and not under illegal detention under anybody, this Court has no other option except to allow him to take his own decision. Hence, while setting him at liberty, this Court permits the detenu to join as per his wish, along with his wife-Viji.

6. With these observations, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sri

To

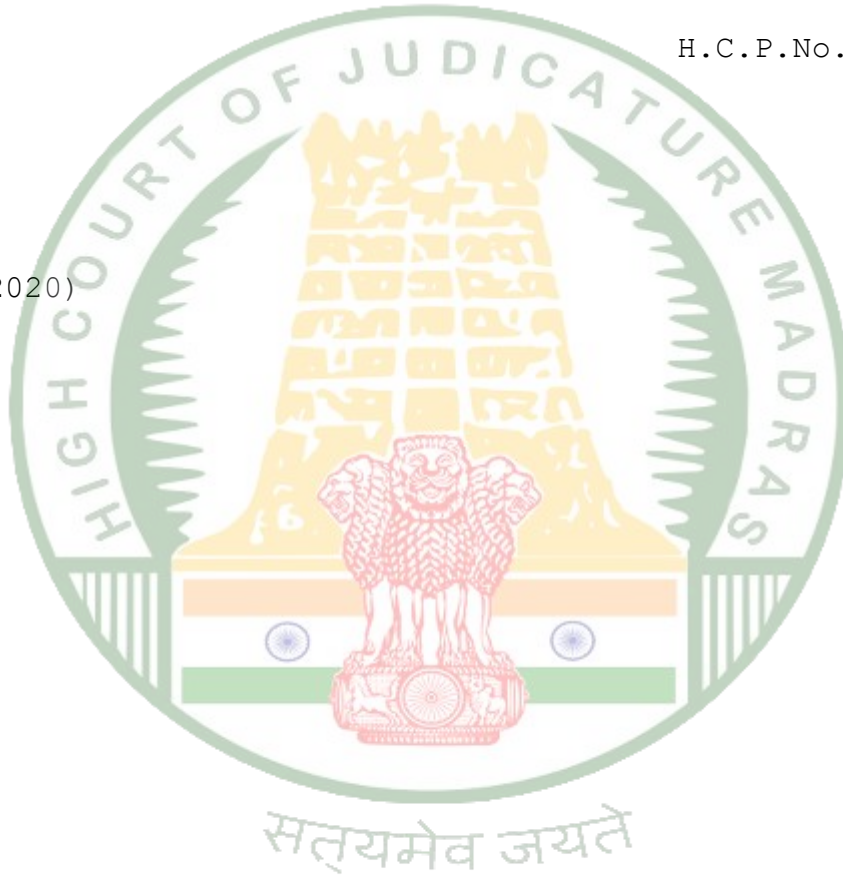
1.The Deputy Superintendent of Police,
Government of Tamil Nadu,
St.Thomas Mount,
Greater Chennai,
Chennai - 600 016.

2.The Inspector of Police,
Government of Tamil Nadu,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai - 600 100.

3.The Public Prosecutor,
High Court,
Madras.

H.C.P.No.308 of 2020

SSV(CO)
RN(04/06/2020)



WEB COPY