

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.011.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1703 of 2020

D.Tamilmani

... Petitioner

-vs-

1. The State Rep. By the
The Inspector of Police,
Kodungaiyur Police Station,
Pulianthope, Chennai District.

2. Manickam

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the first respondent to produce the body of my wife Harini, before this Court from the illegal custody of the second respondent and set her at liberty.

For Petitioner ... Mr.Hasan Mohamed Jinnah

For Respondents ... Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1

No Appearance for R2

ORDER

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

The petitioner, who is the husband of the detenue, has come forward to file this habeas corpus petition seeking her custody allegedly from the second respondent, who is none other than his father-in-law.

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

3. Taking note of the said allegation, we asked the first respondent to make an enquiry by calling both the petitioner and the second respondent. The materials produced before us would reveal that the detainee is also not under the custody of the second respondent. However, the investigation reveals that she is active in the social media and does not want to rejoin the petitioner. Thus, prima facie, it is not a case of detention as the detainee is said to have left the matrimonial home on her own volition for the reasons best known to her.

4. In such view of the matter, the habeas corpus petition stands closed. However, the investigation shall go on. As and when the detainee is secured, she should be produced before the jurisdictional Magistrate. Liberty is also given to the petitioner to file a fresh petition if the detainee is not secured ever after sometime.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Inspector of Police,
Kodungaiyur Police Station,
Pulianthope, Chennai District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Damodaran, Advocate Sr.No. 35584

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AD(CO)
RMP(27/11/2020)

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