

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
AND  
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1736 OF 2020

R.Srinivasan

.. Petitioner

vs

1. The Deputy Commissioner of Police,  
Special Wing for Crime against  
Women & Children,  
No.129, Greames Road,  
Thousand Lights,  
Chennai - 06.

2. The Inspector of Police,  
W-34, All Women Police Station,  
Ennore, Chennai - 57.

3. Govindammal

4. Ananthi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing respondents 1 and 2 to secure the petitioner's wife S.Thenmozhi from the illegal custody of the respondents 3 and 4 to produce her before this Court so as to enable the petitioner's wife S.Thenmozhi to be examined at the Institute of Mental Health, Kilpauk, Chennai.

For Petitioner .. Mr.C.P.Sivamohan

For Respondents.. Mr.R.Prathap Kumar,  
Addl.Public Prosecutor  
for R1 & R2

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

The petitioner, who is the husband of the detinue, has come forward to this habeas corpus petition, after disposal of the earlier one in H.C.P.No. 2635 of 2018 on the premise that he has unearthed new materials.

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

3. As rightly submitted by the learned Additional Public Prosecutor, these materials are subsequent to the earlier order passed by this Court and pursuant to the direction issued by the Court below in M.H.O.P.No. 59 of 2018.

4. Learned counsel appearing for the petitioner submitted that despite the order passed by the Court below, the presence of the detinue could not be secured for the purpose of thorough medical examination.

5. We do not think that the remedy open to the petitioner is to approach this Court. The power of the Court which is dealing with M.H.O.P No.59 of 2018 is plenary in nature. Thus, the petitioner can very well approach the said Court for appropriate direction.

6. With the above said observation, the habeas corpus petition stands closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Deputy Commissioner of Police,  
Special Wing for Crime against Women & Children,  
No.129, Greames Road, Thousand Lights,  
Chennai - 06.

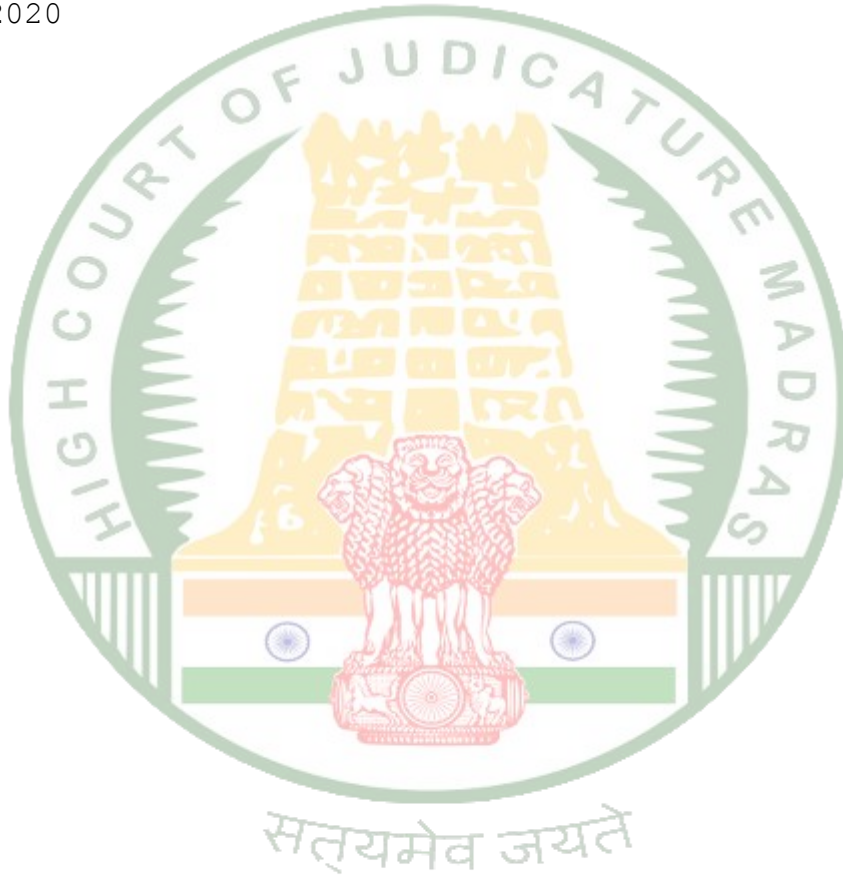
2. The Inspector of Police,  
W-34, All Women Police Station,  
Ennore, Chennai - 57.

3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.C.P.Sivamohan, Advocate, S.R.No.34441

H.C.P.No.1736 of 2020

RLD(CO)  
CS/06/11/2020



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