

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

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

H.C.P.No.1622 of 2019

Vanitha

... Petitioner

Vs

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
All Women Police Station,
Attur,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the second respondent to produce the petitioner's husband namely Manikandan (aged 35 years) before this Court and set him at liberty and thereby to handover to the petitioner.

For Petitioner : M/s.M.Rajendiran
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the second respondent to produce the detainee, by name, Manikandan, aged 36 years, husband of the petitioner.

2. In the affidavit filed along with the petition, the petitioner had contended that her husband Manikandan (the detainee herein), is aged 36 years and that they were working as a home guard under the District Police Officer, Salem. While they were working they developed love with each other and decided to marry. Thereafter marriage was solemnized on

14.07.2018 in the presence of family and relatives. After marriage the detinue/Manikandan use to quarrel with the petitioner stating that because of the petitioner he left his parents. The detinue/Manikandan told the petitioner that he would meet his parents to compromise them and went to his parents house and called the petitioner over phone and said that his parents are not accepting their love marriage. Thereafter the detinue did not return home. Under such circumstances the petitioner made a complaint to the All Women Police Station, Salem on 04.11.2018 in which CSR No.501 of 2018 has been issued. Therefore, the petitioner had preferred a complaint before the second respondent police. Since no effective steps had been taken, to trace the detinue, the wife of the detinue, has come forward with the present habeas corpus petition before this Court.

3. Today, when the matter was taken up for hearing, though the learned counsel for the petitioner is present, the petitioner is not present. The respondent police had produced the detinue, before this Court. On enquiry, the detinue had stated that he is not willing to go and join the petitioner. Further, he has stated that he is not under illegal detention of anybody. In view of the statement made by the detinue/Manikandan, we are of the opinion that nothing survives for further adjudication. Accordingly, this Habeas Corpus Petition stands closed. It is open to the petitioner to work out her remedy with regard to matrimonial disputes, in the manner known to law.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dpq

To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
All Women Police Station,
Attur,
Salem District.

3.The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.M. Rajendiran, Advocate sr 3259.

H.C.P.No.1622 of 2019

PA (CO)
SP (25/02/2020)