

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.143 of 2021

Jenoba Kaliselvi .. Petitioner /Wife of Detenue
Vs.

1.The Superintendent of Police,
Kallakuruchi District.

2.The Inspector of Police,
Sangarapuram Police Station,
Kallakuruchi District.

3.Susmitha

4.Sudha

5.Govindamal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to direct the 2nd respondent herein to produce the person and body of the Jaffer Ali S/o.John Basha (detenu) aged about 39 years before this Court and set him at liberty.

For Petitioner : Mr.S.Premakumari
For RR 1 & 2 : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The habeas corpus petition has been filed seeking to direct the 2nd respondent herein to produce the person and body of the Jaffer Ali S/o.John Basha (detenu) aged about 39 years before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Jaffer Ali went missing from 14.01.2020 and his whereabouts are not known.

3. Today, Mr.C.Shanmugam, Special Sub-Inspector of Police, Sangarapuram Police Station, Kallakuruchi District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that the petitioner was married to the said Jaffer Ali and they have children; Jaffer Ali developed intimacy with Sushmitha, third respondent herein and ran away with her sometime in the year 2017; in this regard, a case in Sangarapuram Police Station Crime No.719 of 2018 under Section 366-A IPC was registered and Jaffer Ali was arrested and Sushmitha was secured; thereafter, Sushmitha went to her parents and Jaffer Ali returned to his matrimonial home with the petitioner; again in the year 2019, on a complaint given by the petitioner, a case in Thirukovilur AWPS Crime No.53 of 2019 was registered for the offences under Sections 498-A, 494, 294-B, 109 and 506 (I) IPC, against Jaffer Ali, Sushmitha and Sudha; during the course of investigation, Jaffer Ali was arrested by the police and was remanded in judicial custody; however, the petitioner filed the bail application on his behalf and had him released.

5. Now it is the grievance of the petitioner is that Jaffer Ali once again ran away with Sushmitha.

6. In such view of the matter, it cannot be stated that Jaffer Ali is in the illegal detention of anyone much less the third respondent, for the issuance of the writ of habeas corpus.

In the result, this habeas corpus petition is closed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Superintendent of Police,
Kallakuruchi District.

2.The Inspector of Police,
Sangarapuram Police Station,
Kallakuruchi District.

3.The Public Prosecutor,
High Court, Madras.

H.C.P. No.143 of 2021

SR(CO)
GN(19/03/2021)