

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 18.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

H.C.P.No.272 of 2021

D.Tamilmani ... Petitioner

versus

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyampet,
Chennai - 600 007.

2. The State rep. By
The Inspector of Police,
Kodungaiyur Police Station,
Pulianthope, Chennai District.

3.Manickam ... 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
body of the petitioner wife Harini, aged about 22 years
before this Court from the illegal custody of the third
respondent and set her at liberty.

For Petitioner : Mr.A.Damodaran

For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor
for R1 and R2

O R D E R

(Order of this Court was made by T.RAJA,J.)

This Habeas Corpus Petition has been filed by the
petitioner seeking a direction to the second respondent
to produce the body of the detinue/petitioner's wife
Harini, aged about 22 years before this Court from the
illegal custody of the third respondent and set her at
liberty.

2.It is seen from records that when the petitioner has come to this Court in an earlier occasion, the Division Bench of this Court vide order dated 02.11.2020, while closing the Habeas Corpus Petition in H.C.P. No.1703 of 2020, granted liberty to the petitioner to file a fresh petition, if the detinue is not secured. In this regard, paragraphs 3 and 4 are extracted hereunder:

'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 detinue 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 detinue 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 detinue is secured, she should be produced before the jurisdictional Magistrate. Liberty is also given to the petitioner to file a fresh petition if the detinue is not secured ever after some time.'

3.A careful perusal of the reasons given by this Court shows that the detinue had left the matrimonial home on her own volition for the reasons best known to her and that she was also not willing to re-join with the petitioner. While so, without being any marriage proof showing the solemnisation of marriage between the petitioner and the detinue, the petitioner has again come to this Court with this second Habeas Corpus Petition. Therefore, we are not inclined to entertain this petition. Accordingly, the Habeas Corpus Petition stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga
To

1.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyampet,
Chennai - 600 007.

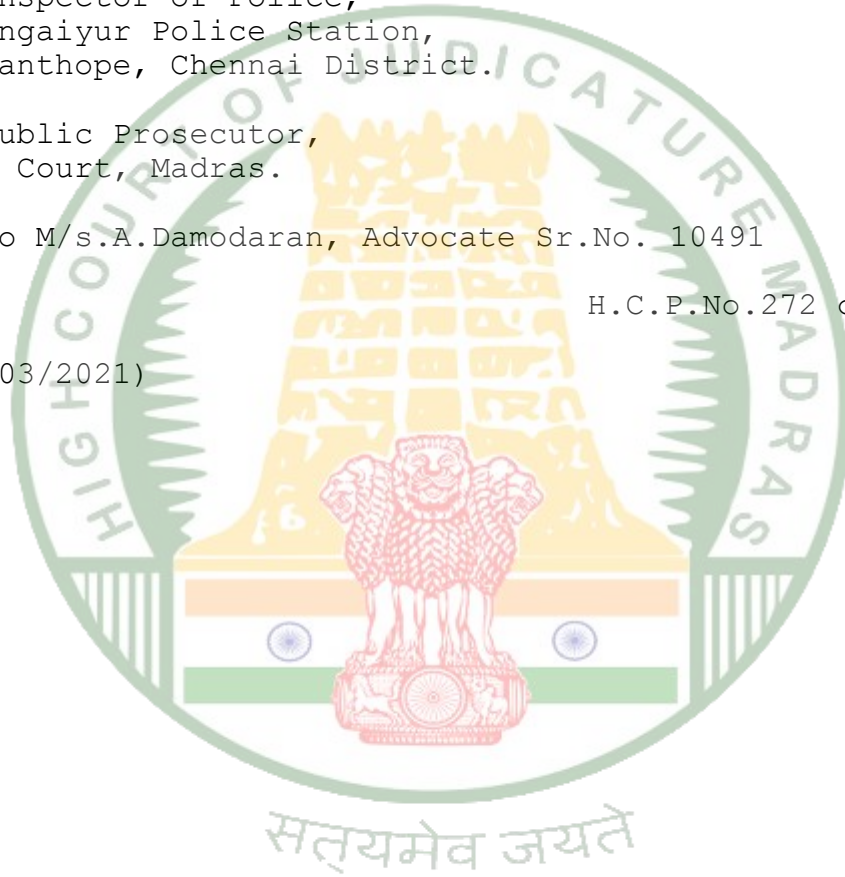
2.The Inspector of Police,
Kodungaiyur Police Station,
Pulianthope, Chennai District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Damodaran, Advocate Sr.No. 10491

H.C.P.No.272 of 2021

SV(CO)
RMP(15/03/2021)



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