

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.516 of 2021

G.Prabakaran

.. Petitioner

Vs.

1.The Superintendent of Police
Vidyasagar Women's College Complex
Chengalpattu
Chengalpattu District

2.The Inspector of Police (Law and Order)
E-9, Thazhambur Police Station
Vandalur Taluk
Chengalpattu District

3.M.K.Sridharan

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 2nd respondent police to produce the petitioner's wife M.K.Sreesna, D/o.M.K.Sridharan, aged about 25 years, before this Court from the custody of the 3rd respondent and set her liberty.

For Petitioner : Mr.P.Dhananjayan

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

For R3 : Mr.B.Mohan

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O R D E R

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

It is the case of the petitioner that his wife Sreesna, aged 25 years, is in the illegal custody of the 3rd respondent and that the police are not taking effective steps to secure her.

2. Mr.Mohan, Advocate (E.No.814/1998, mobile No.94444 02245), entered appearance on behalf of the 3rd respondent and submitted that on account of marital discord, Sreesna left the company of the petitioner and is now living with her father, the 3rd respondent herein and therefore, she is not in the illegal custody of anyone.

3. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that, on a complaint lodged by the petitioner, a case in Thazhambur P.S.Crime No.114 of 2021 for 'woman missing' has been registered on 17.04.2021 and the investigation is in progress.

4. In view of the above, we find that Sreesna is not in the illegal custody of the 3rd respondent (Mobile No.93871 17713), warranting issuance of a writ of habeas corpus and this petition is closed with a direction to the 2nd respondent to proceed with the investigation in Thazhambur P.S.Crime No.114 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee, Sreesna, is secured, she shall be produced before the Judicial Magistrate No.I, Chengalpattu, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detainee.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I
Chengalpattu

2.The Superintendent of Police
Vidyasagar Women's College Complex
Chengalpattu
Chengalpattu District

3.The Inspector of Police (Law and Order)
E-9, Thazhambur Police Station
Vandalur Taluk
Chengalpattu District

4.The Additional Public Prosecutor
High Court, Madras

H.C.P.No.516 of 2021

RR(CO)
GMY(02/07/2021)



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