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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1361 OF 2021

A.Vijayanathan

... Petitioner

.Vs.

State represented by

1. The Commissioner of Police,
O/o.The Commissioner of Police,
Egmore, Chennai - 600 008.

2. The Inspector of Police,
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body of person of the petitioner's daughter aged about 3 years named as minor V.Theennila and wife of the petitioner named as Nasiya, aged about 35 years, before this Court and set them at liberty to the petitioner.

For Petitioner : M/s.Nathan and Associates

For Respondents : Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents to produce the petitioner's wife Nasiya, aged about 35 years and minor daughter V.Theennila, aged about 3 years, before this Court and set them at liberty to the petitioner.



2. It is the case of the petitioner that he fell in love with one Nasiya and got married to her in the year 2016, through whom, he has a child Theennila, who was born on 02.12.2017; initially, the family was living in Chennai and thereafter, they shifted to Chidambaram. It is the further case of the petitioner that he went along with his wife and child to Bhuvaneshwar, where, he said to have lost his wife and child on 18.07.2021.

3. Under such circumstances, the petitioner has filed the present habeas corpus petition arraying the Tamil Nadu police as respondents.

4. Admittedly, the petitioner had lost his wife and child in Bhuvaneshwar and not in Chennai and it is not the case of the petitioner that the respondents are keeping his wife and child in illegal detention. Thus, this habeas corpus petition cannot be maintained.

Hence, this habeas corpus petition is closed with liberty to the petitioner to approach the police authorities in Bhuvaneshwar or the High Court of Odisha for appropriate relief.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Commissioner of Police,
O/o.The Commissioner of Police,
Egmore, Chennai - 600 008.
2. The Inspector of Police,
J-3, Guindy Police Station,
Guindy, Chennai - 600 032.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.44816

H.C.P.NO.1361 OF 2021

PMK(CO)
PBS/24/09/2021