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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

HCP.No.909 of 2022

R.Chandrasekar Petitioner

-vs-

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

2. The Inspector of Police,
Guduvancherry Police Station,
Guduvancherry

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the second respondent to produce the body of the petitioner's wife Ms.Nirmala (F/33) w/o.Chandrasekar before this Court and set her at liberty.

For Petitioner : Mr.S.Parthsarathi

For Respondents : Mr.E.Raj Thilak, APP.

O R D E R

S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

This Habeas Corpus Petition has been filed to direct the second respondent/Inspector of Police, Guduvancherry Police Station, Guduvancherry to produce the body of the petitioner's wife Mrs.Nirmala (F/33) before this Court.

2. The petitioner has stated in his affidavit that his wife had gone missing and based on the complaint, police had registered a case in Cr.No.881 of 2021, under the caption "women missing". Except registration of the case, police has not taken any steps to trace out the detainee, which forced the petitioner to file this petition.



3. Today, the respondent/police produced the detenue before this Court and on enquiry with her she has categorically stated that pursuant to the difference of opinion arisen between her and her husband, she herself quit the house and she is not willing to live with him. She has further stated that out of the wedlock, they were blessed with two children one male and one female, out of which her daughter was already married.

4. From her statement, it is obvious that she is not in the illegal custody of anyone and she on her own decision, left the matrimonial house. Since, she is not ready to go and live with the petitioner, this Court cannot compel her to go with the petitioner, as she is a major. Hence, the detenue is set at liberty to pursue her own way of living and it is open to the petitioner to approach the appropriate forum for a suitable remedy.

5. With the above observation, this petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Chengalpet District,
Chengalpet.
2. The Inspector of Police,
Guduvancherry Police Station,
Guduvancherry
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Parthasarathi, Advocate, S.R.No.33932

HCP.No.909 of 2022

SR(CO)
UMA(24/06/2022)