

In the High Court of Judicature at Madras

Dated: 08.12.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition Nos.1962 and 169 of 2015

K.Vidhyambal

.. Petitioner in H.C.P.No.1962 of 2015

A.Paramasivam

.. Petitioner in H.C.P.No.169 of 2015

Vs.

1. State represented by
The Inspector of Police,
Anuupparpalayam Police Station,
Avinashi Taluk, Tiruppur District.

..Ist Respondent
in HCP.1962 of 2015 and
2nd Respondent in HCP.169/15

2. Paramasivam

3. Malarvizhi

4. Gopi @ Sathish

... Respondents in H.C.P.No.1962/2015
2 to 4.

The Commissioner of Police,
Tiruppur, Tiruppur District. ... Ist Respondent in HCP.No.169/2015

H.C.P.No.1962 of 2015:

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents herein to produce the person and body of P.Kamalanathan, husband of the petitioner herein, who is in illegal custody of the respondents 2 to 4 herein, before this Court and set him at liberty.

H.C.P.No.169 of 2015:

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents herein to produce the person and body of P.Kamalanathan, son of Paramasivam, aged about 28 years before this Court and hand over him to the petitioner custody.

H.C.P.No.1962 of 2015:

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.V.M.R.Rajendran
Addl. Public Prosecutor -R1
Mr.K.Myilsamy - R2 to R4

H.C.P.No.169 of 2015:

For Petitioner : Mr.K.Myilsamy
For Respondents : Mr.V.M.R.Rajendran
Addl. Public Prosecutor -R1 & R2

C O M M O N O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

H.C.P.No.1962 of 2015 is filed by the wife of the detenu P.Kamalanathan and H.C.P.No.169 of 2015 is filed by the father of the detenu P.Kamalanathan, for a direction to the respondents to produce the detenu before this Court and set him at liberty.

2. It is alleged by the wife of the detenu that she got married to the detenu Kamalanathan in the year 2010 and it is an intercaste marriage, which was not approved by her in-laws. Therefore, they were living separately and they also have a five year old child. While so, on 15.10.2014, her husband went missing, in connection with which, a case in Crime No.1173 of 2014 has been registered by the respondent police and investigation is in progress. It is alleged that she suspected the involvement of her father-in-law and hence, she made her father-in-law as respondent in H.C.P.No.1962 of 2015, who is also searching for his son and has filed H.C.P No.169 of 2015.

3. The respondent - police have filed a common status report dated 12.10.2015 detailing the steps that have been taken by them to secure the detenu. In the status report, the respondent-police have stated as follows:

"13. I submit that I had orally examined the detainee's parents and his brother and their oral information reveals that the detainee got love marriage with the petitioner without their knowledge 4 years ago and the petitioner belongs to other community, while so, the detainee went to see his parents house often only and there is no contact with them on day to day basis. Further they stated that the detainee informed to them that the detainee did not lead his family life peacefully."

4. From the above, it is seen that the detenu is not in the illegal custody of the parents of the detenu and his whereabouts are not known to both the parties. Hence, we find that it is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition stands dismissed, however, with a direction to the respondent-police to proceed with the investigation in Crime No.1173 of 2014 and keep the petitioner in both HCPs informed about the developments.

S1

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Tiruppur, Tiruppur District.
2. The Inspector of Police,
Anuupparpalayam Police Station,
Avinashi Taluk, Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.K.Goviganesan, Advocate in SR.NO.65901

+1 C.C. To MR.K.Myilsamy, Advocate in SR.NO.66307

H.C.P.Nos.1962 and 169 of 2015

AK(CO)

sd : 23/12/2015