

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2107 of 2016

Velu

..Petitioner/Husband of
the Detenue

vs.

1. State by:
The Sub Inspector of Police
Davoor Police Station
Salem District.
2. Devanna Gounder
3. Alamelu
4. Dhanapal
5. Kunjappa Gounder
6. Perumal

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the first respondent herein to produce the body of Abinaya, Wife of Velu, aged about 23 years, who is under the illegal custody of the respondents 2 to 6 herein before this Court.

For Petitioner : Mr.S.Lakshmanasamy

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor
for R1

ORDER

(Order of the Court was made by M.JAICHANDREN,J.,)

Heard the learned counsel appearing for the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the first respondent.

2.This Habeas Corpus Petition has been filed by the petitioner praying that this Court may be pleased to direct the first respondent to produce Abinaya, aged about 23 years, who is in the illegal custody of the respondents 2 to 6 herein, before this Court and to set her at liberty.

3.The petitioner has stated that she had married the detainee, on 09.05.2016. On 02.06.2016, the detainee had been abducted from the house of the petitioner, by the respondents 2 to 6 herein. Therefore, the petitioner had filed a complaint before the first respondent. The said complaint had been registered, in Crime No.106 of 2016, under Sections 147, 294(b), 341, 323, 363 and 506(ii) of the Indian Penal Code. Since the first respondent had not taken sufficient steps to trace the detainee, the petitioner has preferred this petition before this Court.

4. Today, when the matter had been listed for hearing, the first respondent-police had produced the detainee before this Court. On enquiry, the detainee had stated that she is 23 years of age, and that she had married the petitioner, on 09.05.2016. Thereafter, she had been living with the petitioner. However, she had been forced to go away from the house of the petitioner, by her parents. She had further stated that she would like to go along with the petitioner, who is said to be her husband.

5. The mother of the detainee, had also appeared before this Court. She had stated that the detainee had been taken away, by the petitioner, against her will. She had further stated that she would like to have the detainee with her and that she would also take care of her education.

6. In such circumstances, this Court had felt that there is a possibility of an amicable settlement in the matter. Therefore, the matter had been placed before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras. A report of the Mediation Centre, dated 06.10.2016, have been placed before this Court stating that the parties were not able to arrive at an amicable settlement.

7. In such circumstances, in view of the fact that the detainee had expressed her willingness to go along with the petitioner, this Court is of the considered view that it would be open to the detainee to go along with the petitioner, as per her wish. Hence, the detainee is set at liberty, permitting her to go along with the petitioner. However, in view of the fact that the petitioner, as well as the detainee, had expressed their apprehension that the parents of the detainee may cause some harm to the petitioner, as well as the detainee, the first respondent shall provide necessary police protection, if a request is made by the petitioner or by the detainee.

8. Accordingly, the writ petition stands closed, with the above direction.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

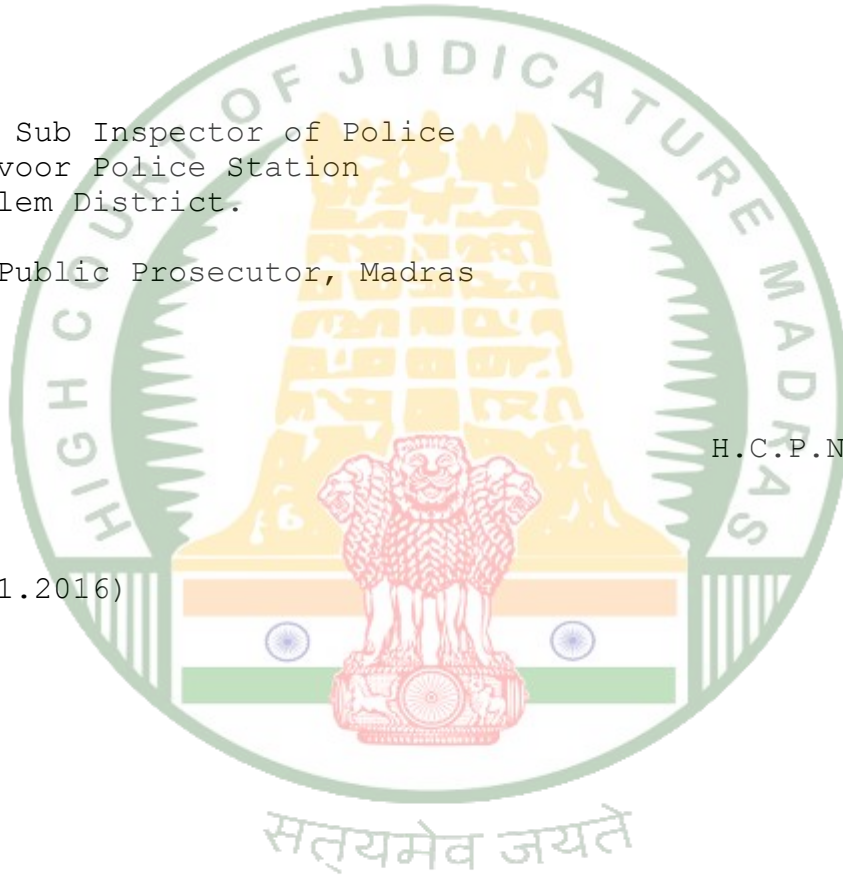
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To

1. The Sub Inspector of Police
Davor Police Station
Salem District.
2. The Public Prosecutor, Madras

H.C.P.No.2107 of 2016

VGI (CO)
KP (12.11.2016)



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