

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.NO.2447 OF 2016

Suresh

.. Petitioner

Vs.

1.The Superintendent of Police
Villupuram District, Villupuram.

2.The Sub Inspector of Police
Kallakurichi Police Station
Villupuram District.

3.Prabakaran

4.Elayaraja

5.Thiyagu

6.Ramachandiran

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents 1 to 6 herein to produce the body or person of the petitioner's wife by name Sumathi aged 25 years, W/o. Suresh and petitioner's daughter by name Mahalakshmi aged 7 years D/o.Suresh and set them at liberty and restore them to the petitioner's custody.

For Petitioner : Mr.R.Balakrishnan

For Respondents

1 and 2 : Mr.V.M.R.Rajentren

Additional Public Prosecutor

O R D E R

[ORDER OF THE COURT WAS MADE BY S.BASKARAN, J.]

This Habeas Corpus Petition has been filed by the petitioner seeking for a direction to the respondents to produce the body or person of his wife by name Sumathi, aged 25 years, and his daughter by name Mahalakshmi, aged 7 years, and set them at liberty and restore them to the petitioner's custody.

2. According to the petitioner, his wife and the girl child were kidnapped by the third respondent with the help of the respondents 4 and 6. Therefore, he lodged a complaint before the second respondent Police on 16.10.2016, in C.S.R.No.416 of 2016. Since the respondent Police failed to take any proper action on his complaint, he has come forward with this petition seeking to secure her wife and the girl child.

3. When the matter is taken up for hearing today, the detinue, along with her minor child, who is studying Second Standard, are produced before this Court, by the second respondent Police. The learned counsel for the petitioner is also present.

4. We have heard the submissions made by the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

5. On enquiry, the detinue states that she was tortured by the petitioner, who is her husband and there is a grave threat to her life and her daughter also. She expressed her unwillingness to go along with the petitioner. The detinue further states that she is a major and now living in her friend's home at Kallakurichi.

6. In such circumstances, taking into consideration that the detinue is a major and expressed her unwillingness to go along with the petitioner, the detinue is permitted to go on her own, as per her wish.

7. We are therefore of the view that no further order is necessary in this petition. However, in view of the apprehension expressed by the detinue that she was threatened by her husband that herself and her child will be finished off, if they do not return to the matrimonial home, the second respondent Police is directed to give her protection, on request made by her in writing, till the same is required.

8. The Habeas Corpus petition is closed with the above observation.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police
Villupuram District,
Villupuram.

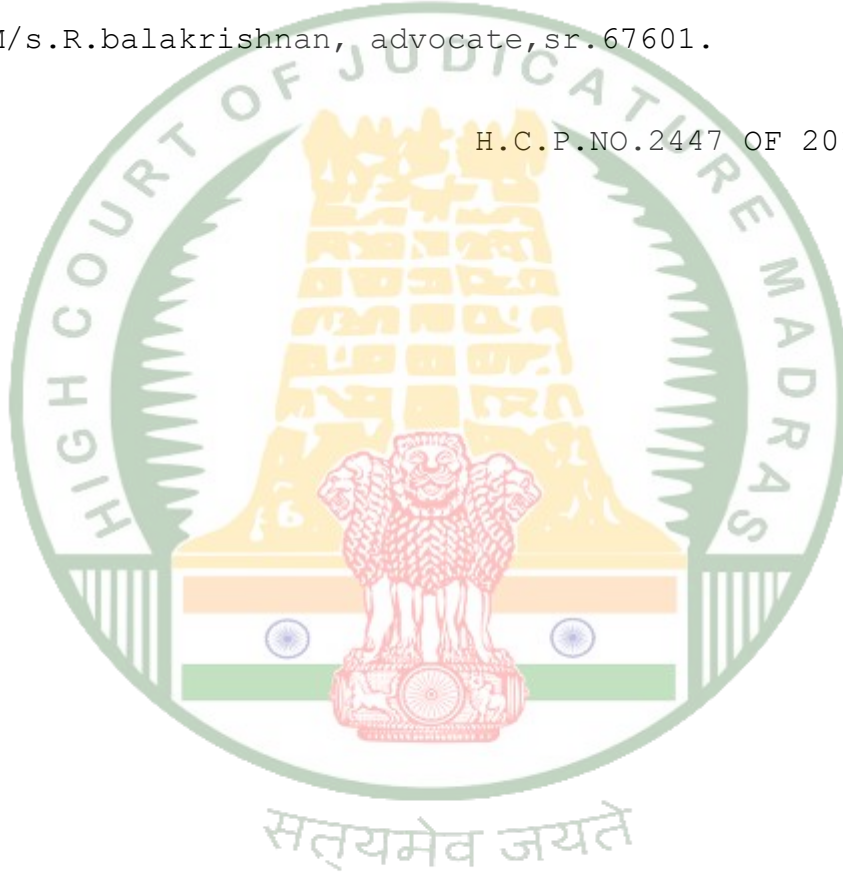
2.The Sub Inspector of Police
Kallakurichi Police Station
Villupuram District.

3.The Public Prosecutor
High Court of Madras.

+1 cc to M/s.R.balakrishnan, advocate, sr.67601.

mp(co)
krd 16/12

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