

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.04.2016

CORAM:

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

H.C.P.No.575 of 2016

N.Kishore

Petitioner/Friend of the Detenue

-Vs-

1.The Superintendent of Police
Erode Town Police Station
Erode.

2.The Inspector of Police
Erode North Police Station
Veerappan Chathiram
Erode.

3.Valliappan

.... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of direction, in the nature of Writ of Habeas Corpus, directing the 1st respondent to produce the detenue Ms.Valliammai D/o Valliappan, aged 24 years, forcibly kept at No.55/A, Alhagu Nivas, Annamalai Gounder layout, Erode, before this Court and set her at liberty.

For Petitioner : Mr.S.Manoharan

For RR1 and 2 : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

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O R D E R

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this Habeas Corpus Petition seeking a direction to the respondents 1 and 2 to produce one Mrs.Valliammai, D/o Valliappan, aged 24 years, who according to the petitioner, had been forcibly kept at No.55/A, Alagu Nivas, Erode, before this Court and to set her at liberty.

2. In the affidavit filed in support of the petition, the petitioner has stated that he is presently working in Amazon Company in Chennai and he knows the detinue from her College days. He has further stated that for about six years, they were moving closely as friends. He has further averred that after completing the Engineering course, they got job in two different Companies. He has further stated that after some time, they decided to marry. Thus, according to the petitioner, they had fallen in love with each other and they were waiting for a good time to inform their parents about their proposal to marry.

3. The petitioner has further averred that the third respondent is the father of the detinue. On knowing about the love affair between the petitioner and the detinue, according to the petitioner, the third respondent came down to Chennai on 13.06.2015 and took the detinue by force into his custody. From then onwards, according to the petitioner, the detinue Valliammai has been illegally detained by the third respondent. The petitioner has received several messages from her cell phone requesting the petitioner to come and rescue her. With these allegations, the petitioner said that he made a complaint to the National Commission for Women on 15.08.2015 and the same was forwarded to the Tamil Nadu Police Patrol on 05.09.2015, but so far no action has been taken by the respondent is his grievance. In those circumstances, the petitioner has come up with this Habeas Corpus Petition.

4. When this matter came up for admission, the learned Additional Public Prosecutor took notice for the respondents 1 and 2.

5. Today, the learned Additional Public Prosecutor produced a Status Report filed by one Mr.C.K.Karthikeyan, Inspector of Police, Erode North Police Station, Veerappan Chathiram, Erode. In that Status Report, he has disputed all the averments made in the affidavit. According to the Status Report, on her own volition, Valliammai married one Mr.Subbiah on 25.12.2015. During investigation, according to the Inspector of Police, the marriage invitation card issued by both families has also been collected. The Inspector of Police has also produced the same before this Court and also a photo album containing photographs taken on the day of marriage between Subbiah and Valliammai.

6. Valliammai is a graduate having B.Tech. degree to her credit and her husband Subbiah is a Post-graduate having MCA degree. He is employed in USA. The Status Report further reveals that after marriage, Valliammai has gone to USA and has settled down there with her husband. The Status Report further reveals that the marriage between Subbiah and Valliammai was

celebrated in the presence of villagers and relatives at the above house of Valliammai, at Kulipirai. Thus, according to the investigation report, there is no illegal detention at all.

7. Having seen the Status Report, the learned counsel for the petitioner would vehemently submit, that the petitioner is not aware of the marriage between Valliammai and Subbiah on 25.12.2015. He would further submit that Valliammai was repeatedly sending messages either through cell phone as SMS or through email, requesting the petitioner to come and rescue, as she was detained illegally. As a matter of fact, the petitioner has filed an additional affidavit also along with messages allegedly sent by the detainee on 31.07.2015 18.09.2015 and 19.09.2015. Referring to these messages, the learned counsel would submit that because of these messages only, the petitioner has come up with this Habeas Corpus Petition and everything that is stated in the affidavit as well as in the additional affidavit are true.

8. We have considered all the above submissions.

9. From the records produced before us, it is crystal clear that Valliammai has married one Subbiah and now she has settled down in USA. Though it is submitted by the petitioner that he is not aware of the marriage, it is too difficult to believe the said submission of the petitioner. The messages upon which much reliance is placed by the learned counsel for the petitioner were of 31.07.2015, 18.09.2015 and 19.09.2015. No document has been produced to show that after 19.09.2015, the detainee had sent any such message. It may be true that till 19.09.2015, the detainee was sending some messages and after that, she stopped sending any message. The Investigating Officer has collected a complaint made by the detainee to the police on 04.10.2015 addressed to the Inspector of Police, Erode North Police Station, wherein she has stated that the petitioner and Valliammai were only friends. They used to take photographs and videos of they being together, saying that they would be mementos of their relationship. At one point of time, according to the said complaint, the petitioner started threatening Valliammai using those photographs. She has further stated in the complaint that she informed the same to her parents and thereafter, she had been living with her parents. The crux of the complaint is that the petitioner was blackmailing her saying that he would give the photographs and videos to her prospective bridegroom and spoil her name.

10. The Inspector of Police who is present before this Court would admit that the said complaint dated 04.10.2015 was in fact received by the Inspector of Police and an enquiry was also held. During enquiry, the petitioner's father appeared and he was apprised of the complaint. The Inspector of Police would further submit that the petitioner's father handed over the photographs and videos. The parents of both parties appeared during enquiry and they gave statements also. The parents of the petitioner made statement that they were aware of the marriage proposal between Valliammai and Subbiah. Valliammai had gone to the extent of making complaint to the police, alleging that the petitioner was threatening her of saying that he would give the photographs and videos to the prospective bridegroom and spoil her name. It is highly unbelievable that the parents of the petitioner would not have informed about the contents of the complaint to the petitioner. We have got every reason to believe that the petitioner was aware of the complaint and the marriage between Valliammai and Subbiah was well known to him. Though the last SMS was in the month of September 2015 and though the complaint of the detainee was in the month of October 2015, the petitioner has approached this Court with this Habeas Corpus Petition only in the month of March 2016. This would only go to show, that as apprehended by Valliammai in her complaint, the petitioner has come to this Court with this Habeas Corpus Petition to spoil the matrimonial life of Valliammai, who is now happily living with her husband in USA. Thus, in this Habeas Corpus Petition we find only mala fide on the part of the petitioner and therefore, this petition deserves to be dismissed.

11. While dismissing this petition for having wasted the time of this Court; for having wasted the time of the police and for having taken such an attempt to spoil the matrimonial life of Valliammai, we deem it appropriate to impose exemplary cost in this matter. So far as the paying capacity of the petitioner is concerned, he is working as a Software Engineer. Having regard to the above, we impose a cost of Rs.10,000/- [Rupees ten thousand only] to be paid by the petitioner on or before 25.04.2016 to MARIYALAYA ORPHANAGE, KASPAPETTAI, ERODE.

The Registry is directed to list this matter on 25.04.2016 for reporting compliance of this order.
gms

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police
Erode Town Police Station
Erode.

2.The Inspector of Police
Erode North Police Station
Veerpappan Chathiram
Erode.

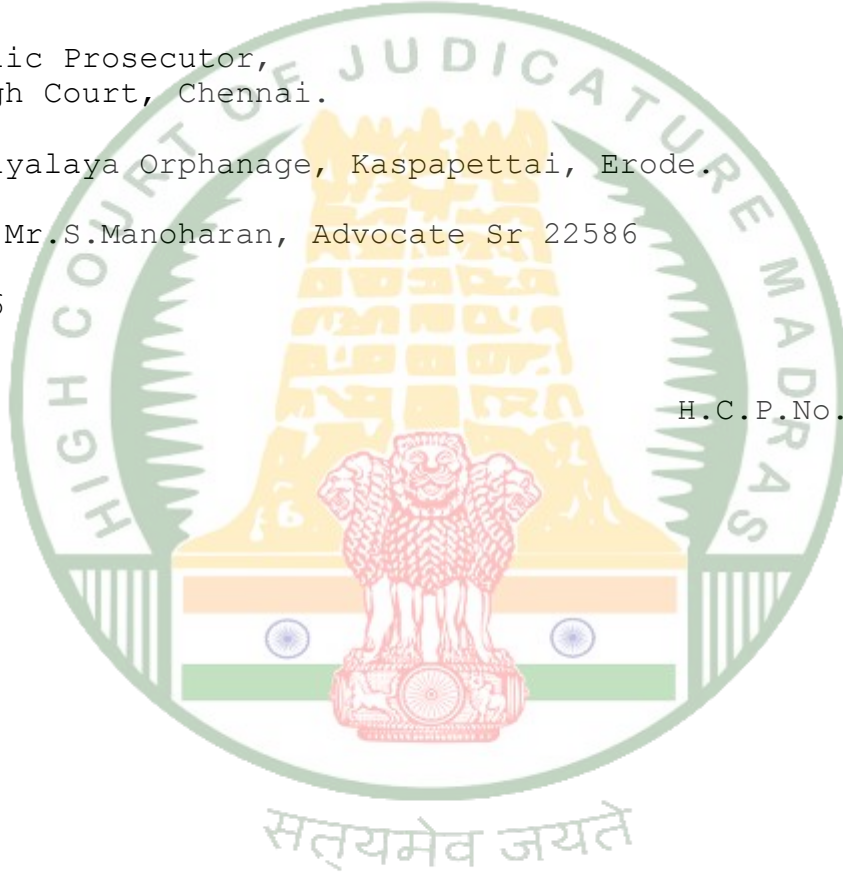
3.The Public Prosecutor,
Madras High Court, Chennai.

4.The Mariyalaya Orphanage, Kaspapettai, Erode.

+ 1 cc to Mr.S.Manoharan, Advocate Sr 22586

KR/26/4/16

H.C.P.No.575 of 2016



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