



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1527 of 2016

Andavar : Petitioner

Vs.

State represented by

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.

3.Gnanamuthu : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the first and second respondents to produce the persons or bodies of the detainees, namely Pandiselvi, wife of Andavar, aged 25 years, and children, namely Sowmiya, aged about 5 years, Iniya, aged about 1 year, daughters of Andavar before this Court and set them at liberty.

For Petitioner : Mr.S.Muniyandi

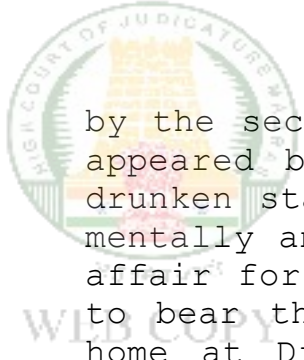
For Respondents 1&2 : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

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

The petitioner is the husband of one Pandiselvi, who is hardly aged 25 years. They got two children, by name Sowmiya, aged 5 years and Iniya, aged one year. According to the petitioner, they are found missing. In this regard, he made a complaint to the second respondent. But the second respondent has not taken any action to secure them, is his grievance. Therefore, he is before this Court with this Habeas Corpus Petition.

2. Today when the Habeas Corpus Petition was taken up for hearing, the petitioner made appearance. The detainee was produced



by the second respondent along with her children. Her mother also appeared before us. The detenu told us that the petitioner, in drunken state, as a routine, manhandled her and harassed her both mentally and physically for a long time. It became almost everyday affair for the petitioner to assault her in drunken state. Unable to bear the torture, according to her, she went to her mother's home at Dindigul. Her mother herself has lost her husband. The detenu's mother is doing a small Idly business and out of the said income, she has been maintaining the detenu and her children. The petitioner is not taking care of them at all. The petitioner, according to the detenu, came to the house of her mother on few occasions and used abusive words against her as well as his mother-in-law. Unable to bear the said torture, according to the detenu, on the advice of her mother, she has gone to her sister's house and she has been residing with her in Coimbatore. Before the Court, the detenu wept uncontrollably and she further told us that there is no safety for her, if she again starts living with the petitioner. Therefore, she prefers to be with her mother and sister and keep the children with her. She would further state that the petitioner knew very well that the detenu and her children were in the company of her mother in Dindigul and now, in the company of her sister in Coimbatore. The petitioner states that he did not know that the detenues were either at Dindigul or at Coimbatore. We find it difficult to believe the statement of the petitioner.

3. In our considered view, the petitioner has come up with this petition with oblique motive, by which, he has wasted the valuable time of this Court and he also dragged the detenu with her children and mother to this Court by spending a considerable amount. Therefore, while dismissing the petition, we deem it appropriate and necessary to impose a cost on the petitioner.

4. The learned counsel for the petitioner offered to pay Rs.5,000/- as cost. The same is recorded.

5. Accordingly, the Habeas Corpus Petition is dismissed and the petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as cost to the detenu.

6. The Registry shall list the case on 28.11.2016, on which date, the petitioner shall appear and pay the cost of Rs.5,000/- (Rupees Five Thousand only) to the detenu in open Court.

Sd/-
Assistant Registrar(co)

/True copy/



To

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

sml

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Order made in
H.C.P. (MD) No.1527 of 2016
Dated:
21.11.2016