



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

CORAM:

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

H.C.P.[MD].No.435 of 2016

M.Dhanalakshmi : Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.

3.Vignesh

4.Kuppusamy

5.Rathi : Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body of the detenu namely Ramya D/o.Murugan, aged about 17 years before this Court from the illegal detention of the respondents 3 to 5 and hand over the custody to the petitioner.

For Petitioner : Mr.S.Sundarapandian
For respondents 1 & 2 : Mr.A.Ramar,
Additional Public Prosecutor

For 3rd respondent : No appearance

For respondents 4 & 5 : Mr.M.Subash Babu

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

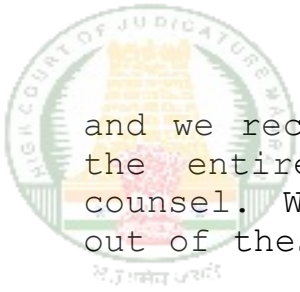
The petitioner is the poor mother of one Ramya D/o.Murugan aged 17 years. The date of birth of Ramya is 24.09.1998. The petitioner's husband due to brain fever has become physically impaired and his hands and legs have become unfunctional. When he



made appearance today, along with the petitioner, we could able to physically see the plight of her husband.

2. This morning the detenu was produced before us. On enquiry, the detenu submitted that she had fallen in love with the third respondent and she was waiting for her attaining 18 years of age and at last, she married the third respondent on 25.09.2016 and she has been living with him. However, the petitioner and her husband pleaded to send their daughter with them. We allowed them to have a talk with the detenu. During afternoon session, we took up this case for hearing. The detenu made it clear that she is not willing to go back to the parental home and she wants to live only with her husband. Since the detenu is a major and she has decided to go back only with her newly married husband, as requested by the petitioner and her husband, we are not able to force her to return to the parental home. The petitioner submitted that she has got no objection for the detenu in continuing the marital life with her newly married husband, but she wants to have a peace by taking the detenu to her house and persuade all the others in the family. For that course also, the detenu is not willing. Therefore, the detenu is set at liberty and it is for her to decide about her future course. Accordingly, this Habeas Corpus Petition is closed.

3. During the progress of hearing of the case, the petitioner started weeping in the open Court. She told us that during the last seven hearings with great difficulties, she used to take her husband to the Court. Her husband is virtually immobile as his hands and legs have been severely affected due to some disease. We saw him in open Court. We found his hands and legs crippled and disabled. Today also, the petitioner has come along with her husband to the Court. She further submitted that today, they had no breakfast or lunch. She further pleaded to us to make arrangement to enable her to take her husband to Chennai, because she did not have even a single pie to spend for her travel, along with her disabled husband, to go back to Chennai. Virtually, she pleaded to the Court to monetarily help them for their travel to Chennai. She further told that she had planned to beg in the bus-stand to earn her travel expenses and then to go to Chennai. Having heard the cry of the petitioner and having realised the plight of the petitioner, the learned counsel Mr. Lajapathi Roy, learned senior counsel Mr. Ajmal Khan, learned senior counsel Mr. Veerakathiravan and learned senior counsel Mr. V. Kathirvelu submitted to the Court that they would collectively pay a sum of Rs. 30,000/- as a help to the petitioner and her husband. The fine gesture expressed by these counsel, who were in the Court, needs to be appreciated. It shows that the lawyers would extend their helping hands to the poor as and when an occasion arises and they would not allow our fellow citizens to go for begging. We are much moved by the gesture made by the above said learned counsel



and we record the same. As a matter of fact, in the open Court, the entire amount of Rs.30,000/- was paid by all the above counsel. We advised the petitioner to be courageous and to come out of these difficulties in her life.

WEB COPY

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

gcg

To

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Subash Babu Advocate Sr.No. 57716

JAM/01.11.16/SKS-RR/3P-5C

**Order made in
H.C.P. [MD] .No.435 of 2016**

**Dated:
30.09.2016**