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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.58 of 2016

Ms.K.Selvam

.. Petitioner

Vs.

1.The Additional Director General of Police,
Crime, O/o. Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Superintendent of Police,
Ramanathapuram District,
Collectorate Campus,
Ramanathapuram - 623 503,
Ramanathapuram District.

3.The Superintendent of Police,
Pudukottai District, Pudukottai.

4.The Inspector of Police,
Sayalkudi Police Station,
Sayalkudi, Kadaladi - Taluk,
Ramanathapuram District.

5.The Inspector of Police,
Thirumayam Police Station,
Thirumayam, Pudukottai District.

6.S.Vijayan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 to 5 to produce the body or person of petitioner's daughter namely Muthulakshmi D/o. R. Kamaraj aged 28 years who is in the custody of the sixth respondent and produce before this Court and set her at liberty.

For Petitioner

: Mr.G.Thiagarajan

For RR - 1 to 5

: Mr.R.Ramachandran

Additional Public Prosecutor

For Respondent 6

: Mr.R.Senthilkumar

**O R D E R**

[Order of the Court was made by **P.R. SHIVAKUMAR**]

K.Selvam, the petitioner herein has approached this Court with the present Habeas Corpus Petition under Article 226 of the Constitution of India for a direction in the nature of a Writ of Habeas Corpus to the respondents 1 to 5 to cause the production of her daughter Muthulakshmi, aged about 28 years. She has alleged in her affidavit that in the month of February, 2015, Muthulakshmi had gone to Bangalore to her senior maternal aunt's house and to the shock of the petitioner, she received an information from her elder sister that Muthulakshmi was sent in a train bound for Aruppukottai and she was found missing. It is her further averment that, on enquiry, she came to know that the sixth respondent had abducted Muthulakshmi; that when she, along with her people, went to the place of the sixth respondent, a posse of police prevented them and took five out of them to the police station where Muthulakshmi and the sixth respondent were brought; that on their arrival they claimed that they got married to each other and produced a marriage certificate dated 09.02.2015; that she also gave a statement as if she had married the sixth respondent, but no permission was granted to the petitioner to speak to her daughter; that subsequently she made four attempts to pay a visit to her daughter's place to find out the well being or otherwise of her daughter and on all those occasions she found the door locked with a lock hanging outside and that she came to know that her daughter was ill-treated by the sixth respondent by locking her inside the house and going out taking the key with him so as to ensure that Muthulakshmi did not come out of the house. With such allegations and also allegations unconnected with the case, namely wild allegations against the father of the sixth respondent, the petitioner seems to have made further attempts by sending complaints dated 04.01.2016, 08.01.2016 by post to the respondents 1 and 2 and thereafter rushed to this Court with the present Habeas Corpus Petition.

2. Based on the said complaint and based on the fact that this Habeas Corpus Petition came to be filed, the sixth respondent and Muthulakshmi were informed by the police and thus, they are present before this Court today. When this matter is taken up, Muthulakshmi is questioned in the open Court, she makes a statement to the effect that she got married to the sixth respondent on her own volition; that her mother wanted to separate them and gave all sorts of trouble which made them seek a transfer to the sixth respondent, who is a bank employee, from Thiruppunavalasal to Thirumayam; that even at Thirumayam the nuisance and torture with a aim of separating them continued and that, as a culmination of the said attempts made by the petitioner the complaint dated 04.01.2016 came to be sent by post to the respondents 1 and 2 and this Habeas Corpus Petition came to be filed with false and untenable allegations. It is her further statement that she is leading a happy life with her husband, namely the sixth respondent and she is also getting best treatment for her ailments, which are provided at various places by the sixth respondent and that her happy life with her husband is sought to be interfered with by her mother very often.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The above statement of Muthulakshmi is recorded. From the statement of Muthulakshmi it is quite clear that she, on her own volition



and against the wishes of her mother, married the sixth respondent and is leading a happy family life and that on the other hand, the petitioner made repeated attempts to separate them and the present petition is also one such attempt to tarnish the image of the sixth respondent and also cause mental strain to the sixth respondent and his wife Muthulakshmi. It is also obvious that in February 2015 itself, the petitioner was aware of the fact that Muthulakshmi was married to the sixth respondent and they were leading a conjugal life and that her daughter Muthulakshmi could not be separated from her husband who was chosen by herself. Even then, the petitioner seems to have taken repeated attempts like Gajini Mohammed and this is the last of such attempts by making baseless allegations as if Muthulakshmi was being locked inside the house and tortured. The idea of the petitioner that she can make any allegation to achieve her goal or at least to tarnish the image of the sixth respondent and thus cause problem in their marital life, which may give a chance to fish in troubled waters, cannot be encouraged and such an attempt shall be curbed with iron hands.

4. In the instant case, this Court is of the view that Muthulakshmi is not in confinement and she is a free bird and that hence besides dismissing the Habeas Corpus Petition, the petitioner shall be mulcted with a heavy cost. Though this Court is inclined to impose a heavy cost, Muthulakshmi states that she is not interested in getting any cost from her mother. On the other hand, she wants an assurance from her mother, not to disturb her family life. The learned counsel for the petitioner also submits that the petitioner is prepared to file an affidavit undertaking not to disturb her daughter in her family life without her consent.

5. In view of the same, the Habeas Corpus Petition is dismissed without cost, directing the petitioner to file an undertaking affidavit to the effect that she will not cause any disturbance to her daughter Muthulakshmi in her family life. In case, the affidavit is not filed within today, the petitioner shall pay a cost of Rs.5,000/- (Rupees five thousand only) to the State.

Sd/-
Assistant Registrar

**xerox copy of the undertaking
affidavit annexed**

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

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Crime, O/o. Director General of Police,
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Thirumayam, Pudukottai District.

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

+1cc to M/S.R.Senthil Kumar, Advocate in SR.No. 2787

TS/01.02.2016/4P-8C/JGB-DP

H.C.P (MD) No.58 of 2016

18.01.2016