



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS
H.C.P (MD) No.810 of 2016

K.Seetha Devi

: Petitioner

Vs.

- 1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Idukki District, State of Kerala.
- 4.The Inspector of Police,
Chinamanoor Police Station,
Theni District.
- 5.The Inspector of Police,
Nedunkandam Police Station,
Idukki District, State of Kerala.
- 6.Mrs.Prasanna

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, by name Dhanam Jayan, Son of Jayachandran, aged about 26 years before this Court and set him at liberty.

For Petitioner

: Mr.S.Malaikani

For Respondents

1to5

: Mr.C.Ramesh,
Additional Public Prosecutor

For Respondent No.6

: Mr.M.Ramu

O R D E R**[Order of the Court was made by K.K.SASIDHARAN, J.]**<https://hcservices.ecourts.gov.in/hcservices/>

the petitioner, the sixth respondent and their respective
counsel along with the Inspector of Police, Chinamanoor Police



Station, appeared before us.

2. We have heard the petitioner in person as well as the sixth respondent. We have also heard the learned counsel for the parties including the learned Additional Public Prosecutor appearing on behalf of the State.

3. The petitioner filed this Habeas Corpus Petition on allegation that her husband by name, Dhanam Jayan, S/o.Jayachandran, aged about 26 years, is in illegal custody. The petitioner, therefore, prayed for an order to produce the detenu before us and set him at liberty.

4. When the Habeas Corpus Petition came up for admission, we have directed the fourth respondent to ensure the presence of the sixth respondent in Court on account of the allegation made by the petitioner that she is responsible for the illegal detention of her husband.

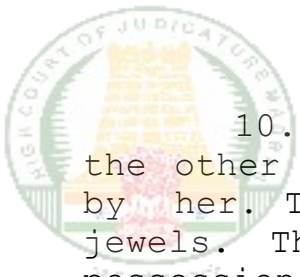
5. The factual matrix indicates that the petitioner was married to the detenu on 08 June, 2011. According to the petitioner, she lived with her husband by name Dhanam Jayan at Bangalore. Thereafter, at the instance of the sixth respondent, he left her. His whereabouts are not known. The petitioner made several attempts to see the detenu. However, she was not permitted by the sixth respondent either to visit the detenu or to live with him.

6. The sixth respondent, who appeared before us, maintained that her son is presently at Dubai on a short visa. According to her, it would not be possible for her son to come over to India at this point of time on account of his present employment, which is temporary in nature.

7. The sixth respondent produced a sworn affidavit of the detenu dated 28 July, 2016, executed before the Vice Consul, Consulate General of India, Dubai.

8. The petitioner, on a perusal of the affidavit sworn to by the detenu, informed us that still she wanted to see the detenu. We have, therefore, arranged for a telephonic conversation between the petitioner and the detenu.

9. When the Habeas Corpus Petition was taken up for further consideration at 02.15 p.m., the petitioner informed us that she talked to her husband. According to her, he refused to give his telephone number and other details. However, the fact remains that the petitioner talked to the detenu over phone.



10. The petitioner informed us that she would proceed with the other proceedings including matrimonial proceedings initiated by her. The petitioner wanted the sixth respondent to return her jewels. The sixth respondent informed us that she is not in possession of the jewels owned by the petitioner.

WEB COPY

11. The prayer in the Habeas Corpus Petition is only to direct the police to produce the body or person of the detenu, by name Dhanam Jayan, before this Court on allegation that he is in illegal confinement. Now, it is evident from the affidavit of the detenu attested by the Vice Consul, Consulate General of India at Dubai and the telephonic conversation of the petitioner had with her husband that the detenu is not in illegal confinement. We are, therefore, of the view that there is no question of keeping this Habeas Corpus Petition pending.

12. It is open to the parties to approach the concerned Court for appropriate relief in accordance with law.

13. The Habeas Corpus Petition is closed with the above observation.

14. By order dated 01 August, 2016, we have initiated *suo motu* contempt proceedings against Thiru.P.Anand, Inspector of Police, Chinamanoor Police Station, Theni District, on account of his failure to ensure the presence of the sixth respondent before us on 01 August, 2016.

15. Thiru.P.Anand, Inspector of Police, Chinamanoor Police Station, in his counter-affidavit, indicated the steps taken by him to ensure the presence of the sixth respondent. According to him, information was given to the fifth respondent to produce the sixth respondent before this Court on 01 August, 2016. His counterpart at Nedunkandam Police Station ensured that the sixth respondent would appear before this Court on 01 August, 2016. Therefore, he has not taken any further action in the matter.

16. The fourth respondent tendered his unconditional apology for his failure to ensure the presence of the sixth respondent before this Court. We accept the unconditional apology tendered by the fourth respondent and drop the proceedings initiated against him.

Sd/-

Assistant Registrar (P&A)

/True copy/



To

- 1.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Idukki District,
State of Kerala.
- 4.The Inspector of Police,
Chinamanoor Police Station,
Theni District.
- 5.The Inspector of Police,
Nedunkandam Police Station,
Idukki District,
State of Kerala.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Sabeer Mohamed, Advocate SR.No. 43175
+1cc to M/S.M.RAMU,ADVOCATE, SR NO: 43152

SML

JA-DB-24.08.2016/4P:9C

ORDER MADE IN
H.C.P (MD) No.810 of 2016
Dated: 08.08.2016