

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P.Nos.409 & 468 of 2017

M.Senthilkumar .. Petitioner in H.C.P.No.409 of 2017

E.Anusuya ... Petitioner in H.C.P.No.468 of 2017

Vs.

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

2.Inspector of Police,
Thiyagadurugam Police Station,
Thiyagadurugam.

3.K.Loganayakan alias Loganathan .. Respondents in
H.C.P.No.409 of 2017

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

2.Inspector of Police,
Thiyagadurugam Police Station,
Thiyagadurugam.

3.Inspector of Police,
All Women Police Station,
Kallakurichi, Villupuram District.

4.S.Kalpana Devi ... Respondents in
H.C.P.No.468 of 2017

Prayer in H.C.P.No.409 of 2017 : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus to direct the respondents to produce the body of detenu M/s.S.Kalpanadevi D/o M.Senthil Kumar aged about 22 years before this Court and set her at liberty.

Prayer in H.C.P.No.468 of 2017 : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus to direct the respondents to produce the body of detenu K.Loganayakan @ Loganathan S/o Kasi Reddy aged about 35 years before this Court and set him at liberty.

In H.C.P.No.409 of 2017:-

For Petitioner : Mr.E.Vijay Anand

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

In H.C.P.No.468 of 2017:-

For Petitioner : Mr.T.Karthick Srinath

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

COMMON ORDER

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

H.C.P.No.409 of 2017 has been filed by one Mr.Senthilkumar, alleging that his daughter Ms.Kalpanadevi, aged 22 years had been abducted by one Mr.K.Loganayakan alias Loganathan/the third respondent in H.C.P.No.409 of 2017 and illegally confined elsewhere. Ms.Kalpanadevi is a post graduate having MCA degree to her credit. Since, she was not secured by the respondent Police, so far, the petitioner is before this Court with this Habeas Corpus Petition.

2.H.C.P.No.468 of 2017 has been filed by one Mrs.E.Anysuya w/o Mr.K.Loganayakan alias Loganathan. She has stated that her husband Mr.K.Loganayakan alias Loganathan was missing from 08.03.2017 onwards. The petitioner made a complaint in this regard. Since, he was not secured, the petitioner has come up with the present Habeas Corpus Petition.

3.Mr.Loganayakan alias Loganathan, the husband of the petitioner in H.C.P.No.468 of 2017 is the third respondent in H.C.P.No.409 of 2017. It is the allegation that Mr.Loganayakan alias Loganathan kidnapped Ms.Kalpanadevi.

4.Ms.Kalpanadevi was produced before this Court by the respondent Police on 27.03.2017 itself. She expressed her

willingness to go along with her parents and accordingly, she was sent. The petitioner in H.C.P.No.468 of 2017, the wife of Mr.Loganayakan alias Loganathan has made appearance before this Court with her child. She told us that abandoning her and her daughter, Mr.Loganayakan alias Loganathan had taken Ms.Kalpanadevi illegally and he was keeping her with him. It appears that there is some matrimonial dispute pending between the petitioner in H.C.P.No.468 of 2017 and Mr. Loganayakan alias Loganathan .

5.Today, when both the Habeas Corpus Petitions were taken up for hearing together, Ms.Kalpana told that she would like to go with her parents. The said statement is recorded. The petitioner in H.C.P.No.409 of 2017 and his wife told us that the third respondent/Mr. Loganayakan alias Loganathan should not in any manner disturb either Ms.Kalpanadevi or her family members. Mr.Loganayakan alias Loganathan assured us that he would never interfere with the life of Ms.Kalpanadevi and he would not indulge in any activity which would be detrimental to the welfare of Ms.Kalpanadevi and her family members. The said statement is also recorded.

6.In our considered view, if Mr.Loganayakan alias Loganathan indulges in any such activity against Ms.Kalpanadevi or to her family members making out any offence, the second respondent or the jurisdictional Police shall take appropriate action against him. Accordingly, we allow Ms.Kalpanadevi to go along with her parents.

7.So far as H.C.P.No.468 of 2017 is concerned, today, a compromise memo was filed by the petitioner herein and Mr.Loganayakan alias Loganathan which reads as follows:-

"It is hereby submitted that Loganathan husband of E.Anusuya hereby returns the jewels (9 ½ sovereign) to his wife E.Anusuya, balance jewels if any can be negotiated later.

It is submitted that the said Loganathan will deposit Rs.2,00,000/- by way of fixed deposit in the name of his daughter Kaviya Priya in any one of the nationalized bank and nominee will be the petitioner herein. The said exercise will be carried on or before 27.04.2017 and he undertake to hand over fixed deposit certificate to his wife E.Anusuya herein."

8.In view of the same, Mr.Loganayakan alias Loganathan

handed over 9½ sverngins of gold to Ms.Anusuya/the petitioner in H.C.P.No.468 of 2017. The said compromise memo is recorded. In terms of the compromise memo, Mr.Loganayakan alias Loganathan shall deposit Rs.2,00,000/- (Rupees two lakhs only) in any nationalised bank, in a fixed deposit scheme, in the name of Kaviya, Priya, the daughter of Mrs.E.Anysuya and Mr. Loganayakan alias Loganathan on or before 27.04.2017 and the same shall be reported to this Court on 27.04.2017.

9.With the above observations, H.C.P.No.468 of 2017 is disposed of and H.C.P.No.409 of 2017 is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

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

2.Inspector of Police,
Thiyagadurugam Police Station,
Thiyagadurugam.

3. The Inspector of Police,
All women Police Station,
Kallakurichi, Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Karthick Srinath, Advocate, S.R.No.24550

+lcc to Mr.K.Ganesamoorhy, Advocate, S.R.No.24627

H.C.P.Nos.409 & 468 of 2017

sr(co)
rmp(16/05/17)