



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. [MD] .No.1470 of 2017

M.Durai

.. Petitioner

Vs.

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

2. The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam,
Thanjavur District.

3.Anand @ Muruganantham

4.Mohan @ Stalin

5.Samadoss

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the first and second respondents to secure the detenu Karpagavalli D/o.Durai, aged about 25 years from the illegal custody of the respondents 3 & 4 and produce her before this Court and set her at liberty.

For Petitioner : Mr.M.Durai
Party-in-person

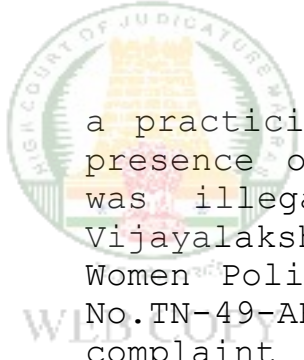
For respondents 1 & 2 : Mr.C.Ramesh,
Addl. Public Prosecutor

For respondents 3 to 5 : No appearance

ORDER

[Order of the Court was made by **R.SUBBIAH, J.**]

The detenu is the daughter of the petitioner viz.,
<https://hcservices.ecourts.gov.in/hcservices/> Karpagavalli, aged about 25 years. In the affidavit filed in support of the petition, it has been stated that the petitioner is



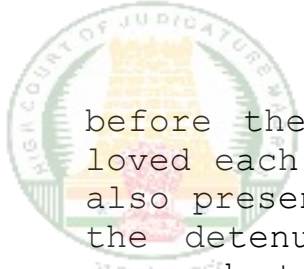
a practicing advocate at Kumbakonam Bar. On 14.12.2012, in the presence of the petitioner's wife and his relatives, the detenu was illegally abducted by the respondents 3 to 5 and one Vijayalakshmi, who is serving as Sub-Inspector of Police, All Women Police Station, Kumbakonam in an auto bearing Registration No.TN-49-AE-9460. Therefore, the petitioner had lodged a complaint before the 2nd respondent Police. As there was no response to the same, he approached this Court by filing a petition in Crl.O.P.(MD).No.16023 of 2013 for a direction to register a case. This Court, by order dated 27.11.2013, directed the 2nd respondent to enquire the complaint and act in accordance with law. Even then, the 2nd respondent did not step forward to act upon the complaint.

2.It is also stated in the petition that on 25.06.2017 at 10.40 a.m. the petitioner received a phone call from his daughter viz., detenu and he was informed by his daughter / detenu that she is in the illegal custody of the 3rd and 4th respondents and requested the petitioner to secure her from the illegal custody. Therefore, the petitioner has lodged a complaint before the 2nd respondent. But, the 2nd respondent refused to receive the same. On 04.09.2017, the petitioner has sent a complaint to the respondents 1 and 2 through post. As there was no response to the same, the petitioner has come up with this petition.

2.When the matter came up for hearing on 28.11.2017, the petitioner appeared before this Court and submitted that for the past five years, his daughter was found missing and in spite of his complaint, the first and second respondents Police are not taking any action. Hence, this Court directed the Deputy Superintendent of Police, Kumbakonam, Thanjavur District to appear and produce the detenu before this Court on 05.12.2017.

3.Today, when the matter was taken up for hearing, Mr.S.Ganesamoorthy, Deputy Superintendent of Police, Kumbakonam, appeared before this Court and produced the detenu. The petitioner was also present. On enquiry, the detenu told that she fell in love with the third respondent and that she, on her own accord, left the parental home and married the 3rd respondent. She is happily living with the third respondent and her two female children at Thirukarukavoor, Pappanasam Taluk, Thanjavur District. The detenu has further told that knowing fully well about her whereabouts and in order to harass her and the third respondent, the petitioner has filed Habeas Corpus Petition with false allegations. We enquired the petitioner also.

4. The Deputy Superintendent of Police has filed a status report today. A perusal of the report would go to show that based on the complaint given by the petitioner in the year 2012, a case has been registered in Crime No.460 of 2012 for "woman missing" and on 12.01.2013, the detenu and the 3rd respondent appeared



before the second respondent Police and they informed that they loved each other and got married. At that time, the petitioner was also present and accepted the version stated by his daughter viz., the detenu. Based on the statement of the detenu, the second respondent Police closed the complaint as "action dropped". When the Police enquired the detenu about the allegation raised in this petition, the detenu informed that she is leading her matrimonial life along with her husband and children happily.

5. It is seen that only in order to harass the detenu and the third respondent, the petitioner has filed this petition by suppressing so many events. Absolutely, the petitioner has wasted the valuable time of the Court as well as the Police. The petitioner, who is stated to be a practicing Advocate, should not have done so. Though it is a fit case to impose heavy cost on the petitioner, considering the request of the petitioner and also considering the age of the petitioner, we are not inclined to do so with a heavy-heart.

6. This Habeas Corpus Petition is, accordingly, closed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thanjavur District, Thanjavur.
2. The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.M.Durai , Party -in- person, in SR No. 90960

gcbg
AE/SV MMS/SAR1/12.01.2018/3P/5C

Order made in
H.C.P.[MD].No.1470 of 2017
Dated: 05.12.2017