

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM
and
THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

H.C.P.No.2843 of 2018

K.Motilal

...Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
B-2 Esplanade Police Station,
Chennai.

3. Akshay

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents No.1 and 2 herein to produce the bodies or person of the petitioner's daughter namely M.Dimple, aged about 22 years from the illegal custody of the respondent No.3 and his henchmen and produce her before this Hon'ble Court and set her at liberty forthwith.

For Petitioner : Mr.R.Balachandran

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner, who is the father of the detenue namely, M.Dimple, has filed this petition seeking a direction to respondents 1 and 2 to cause production of the detenue.

2.The petitioner is the father of the alleged detenue by name M.Dimple, who has married the third respondent namely, Mr.Akshay. The matter was posted on 11.12.2018 and the learned Additional Public Prosecutor brought to notice of this Court that both the detenue, her husband as also the petitioner had been present at the second respondent police station and statement to the effect that the detenue was living with the third respondent/her husband on her own free will and was not being subjected to any illegal confinement was recorded. The petitioner's statement to the effect that he would not be a source of nuisance to the couple also was recorded. When so informed, this Court posted the matter on 12.12.2018 when the counsel for the petitioner was informed of the position and afforded an opportunity to withdraw the petition. Learned counsel insisted that the statement of the petitioner had been forcibly obtained by the second respondent police and petitioner had no knowledge about the whereabouts or welfare of the detenue. This Court specifically had informed learned counsel that an order of production of the detenue would be passed but if this Court was informed that the detenue indeed had acted on her own volition and was under no compulsion from anybody, costs would have to be paid.

3. Detenue is now present before this Court along with her husband, third respondent as is the petitioner. Detenue informs that she is in absolute comfort under the care and custody of her husband and the petitioner is being a constant source of harassment, he also having issued threats.

4.Although, this Court can understand the petitioner being unhappy over his daughter having entered upon marriage against his will, this Court cannot tolerate abuse of its process, despite being afforded an opportunity to withdraw.

5.This Habeas Corpus Petition shall stand closed with a direction to the petitioner to deposit a sum of Rs.10,000/- [Rupees Ten Thousand only] to the credit of the Chief Justice Relief Fund within a period of 3 days from today.

6.Post the matter on 18.12.2018 for reporting compliance.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kkn

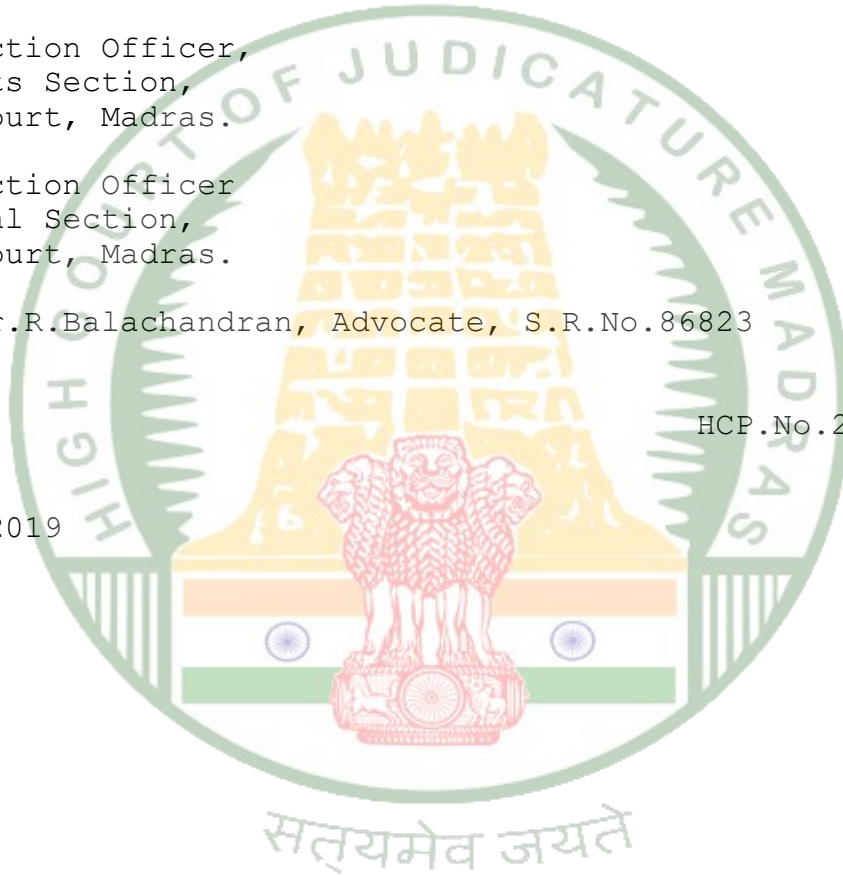
To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
B-2 Esplanade Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Section Officer,
Accounts Section,
High Court, Madras.
5. The Section Officer
Criminal Section,
High Court, Madras.

+1cc to Mr.R.Balachandran, Advocate, S.R.No.86823

HCP.No.2843 of 2018

MG (CO)
CS/28/01/2019



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