



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

H.C.P.[MD].No.354 of 2018

and

Cr1.OP(MD).No.6284 of 2018

V.Muthukumar

: Petitioner

Vs.

- 1.The Inspector General of Police,
South Zone, Madurai.
- 2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 3.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 4.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli.
- 5.The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam, Madurai District.
- 6.Amaresan
- 7.Vijaya Lakshmi
- 8.A.Amarnath
- 9.A.Rajesh
- 10.Shankar

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 4 to produce the person or body of the petitioner's wife, namely, Monicka, aged about 19 years, D/o.Amaresan, before this Court and set her at liberty.

For Petitioner

: Mr.P.Pethu Rajesh

For Respondents 1 to 5

: Mr.K.Dinesh Babu

Additional Public Prosecutor

For Respondent Nos.6 to 10 : Mr.S.M.A.Jinnah



Cr1.OP(MD).No.6284 of 2018:-

Monica

: Petitioner

Vs.

WEB COPY

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai, Tirunelveli.

3.Muthukumar

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondents 1 and 2 to provide adequate police protection to the life and limb of the petitioner and her family members by considering the petitioner's representation dated 14.04.2018.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents 1 &2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For Respondent No.3 : Mr.P.Pethu Rajesh

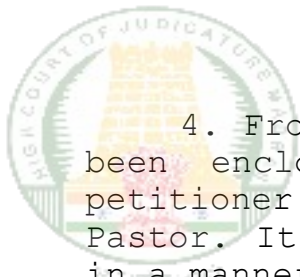
COMMON ORDER

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

The present Habeas Corpus Petition has been filed seeking a Writ of Habeas Corpus directing the respondents 1 to 4 to produce the person or body of the petitioner's wife, namely, Monicka, aged about 19 years, D/o.Amaresan, before this Court and set her at liberty.

2. The matter has been passed over in the morning, at the instance of the learned counsel appearing for the petitioner. Thereafter, when the Habeas Corpus Petition is taken up for hearing, at about 02.30 PM, the detenu is present along with her mother and her elder brother. However, the petitioner is not present. The learned counsel appearing for the petitioner submits that his attempts to contact the petitioner were unsuccessful, since his mobile phone has been switched off.

3. On enquiry, the detenu informs that she has no relationship with the petitioner and his aim is only to extract money from her.



4. From the typed set of papers, we find that a certificate has been enclosed, informing the conduct of marriage between the petitioner and the detenu. Such certificate having been issued by a Pastor. It is for the petitioner to work out his remedies, if any, in a manner known to law before the appropriate forum.

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5. For the present, this Court records the position that the detenu is willing to go back to her parental home and be in the company of her mother and elder brother. The Habeas Corpus Petition shall stand closed.

6. Coming to the Criminal Original Petition filed by the detenu - Monica, seeking police protection to her life and limb and her family members, it is open to the detenu to bring to the notice of the Inspector of Police, Palayamkottai Police Station, Tirunelveli, any untoward incident or wrongful conduct on the part of the third respondent herein. The second respondent police shall act in keeping with the needs of the situation.

7. The Criminal Original Petition shall stand disposed accordingly.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
South Zone,
Madurai.

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3. The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

4. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

5. The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli.



6.The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam,
Madurai District.

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

+2CC to Mr.S.M.A.Jinnah Advocte in SR.No.69071,69072.

+1CC to Mr.P.Pethu Rajesh Advocate in SR.No.69018.

NB

DS/SKN-RSK/SAR-4 :05.07.2018: 4P/11C

ORDER MADE IN
H.C.P. [MD] .No.354 of 2018
and
Cr1.OP (MD) .No.6284 of 2018
20.06.2018