



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

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

H.C.P.[MD].No.94 of 2018
and
CRL.OP(MD).No.7463 of 2018

A.Raja : Petitioner
Vs.

1.The Superintendent of Police,
Madurai District, Surveyor Colony,
Madurai 7.

2.The Inspector of Police,
M.Kallupatty Police Station,
Madurai District.

3.Prabhu Raja
4.Karthik Raja
5.Ramesh Pandi
6.Rasaiya
7.Annalakshmi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of Muthumari, D/o.Raja, aged about 17 years, minor daughter of the petitioner from the illegal custody of the respondents 3 to 7 before this Court and set her at liberty.

For Petitioner : Mr.R.Ragavendran
For Respondents 1&2 : Mr.K.Dinesh Babu
Additional Public Prosecutor
For Respondents 3 to 7: Mr.K.Mahendran

CRL.OP(MD).No.7463 of 2018:-

1.Rasaiah
2.Annalakshmi
3.Rameshkumar
4.Karthikraja
5.Ramesh
6.S.Deivam
7.Perumal
8.Thamayanthi



9.Thiruvadaiyammal
10.Jakkammal
11.Subashini

: Petitioners

Vs

1.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

2.The Inspector of Police,
Elumalai Police Station,
Elumalai, Madurai District.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue a directions to the respondents police not to harass the petitioners and their family members under the guise of enquiry.

For Petitioners : Mr.K.Mahendran

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

COMMON ORDER

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

The present Habeas Corpus Petition has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of Muthumari, D/o.Raja, aged about 17 years, from the illegal custody of the respondents 3 to 7 before this Court and set her at liberty.

2. When the Habeas Corpus Petition came up for hearing, on 23.04.2018, this Court had recorded as follows:-

"Mr.K.Mahendran, learned counsel, informs of entering appearance for respondents 3 to 7 and that the daughter of the petitioners in the custody of such respondents.

"Given such submission, it becomes necessary not respondents 8 and 9 requiring the respondents 3 to 7 to produce the detenu before this Court on 26.04.2018. Hence, CrI.MP(MD).No.3105 of 2018 stands dismissed.

Post the main case on 26.04.2018.

3. At this juncture, we would like to note that in the said order, an inadvertent typographical error has occurred. The relevant portion reads as follows:-

"Given such submission, it becomes necessary not respondents 8 and 9 requiring the respondents 3 to 87 to produce the detenu before this Court on



4. However, correctly, it should read as follows:-

"Given such submission, it becomes necessary not to issue notice to respondents. Requiring the respondents 3 to 7 to produce the detenu before this Court, on 26.04.2018, CrI.MP.(MD).No.3105 of 2018 shall stand dismissed".

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5. On the next hearing date, we were informed by the learned counsel that the couple had gone missing. Thereafter, when the matter was listed on 20.06.2018, recording the submission of Mr.K.Mahendran, learned counsel for the respondents 3 to 7 that the detenu will be produced before this Court on 26.06.2018, the Habeas Corpus Petition was adjourned to this day.

6. Today, the detenu has been produced before us. She is accompanied by the third respondent, as also the other respondents, who are her relatives. It is the representation of the learned counsel for the respondents 3 to 7 that the couple, namely, the detenu and the third respondent have appeared before this Court on their own accord and the other respondents have nothing to do with the same. We would place on record that we find no error whatsoever on the part of the learned counsel for the respondents 3 to 7, inasmuch as he only presents before this Court the picture informed to him by the respondents 3 to 7. However, we cannot take lightly the position that after informing that the detenu would be produced before this Court on the earlier occasion, the respondents 3 to 7 have chosen to produce the detenu now, after she has attained the age of 18 and we are now informed by the detenu that she married the third respondent.

7. In the circumstances, we consider it appropriate to close the present Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition shall stand closed, directing the respondents 3 to 7 to pay cost of Rs,25,000/- [Rupees Twenty Five Thousand only] to the credit of the Hon'ble Chief Justice Relief Fund within a period of one week from today.

8. Registry is directed to post the Habeas Corpus Petition, on 11.07.2018, under the caption, "For Reporting Compliance".

9. In view of the above, the Criminal Original Petition also shall stand closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
Madurai District, Surveyor Colony,
Madurai 7.



2.The Inspector of Police,
M.Kallupatty Police Station,
Madurai District.

3.The Inspector of Police,
Elumalai Police Station,
Elumalai, Madurai District.

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

COPY TO:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Ragavendran, Advocate SR.No. 71392

ORDER MADE IN
H.C.P.[MD].No.94 of 2018
04.07.2018

nb
JM/RSK/SAR 4/11.07.2018/4P/7C