



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

HCP(MD)No.641 of 2018

M.Karuppaiah

... Petitioner

Vs.

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

2. The Inspector of Police,
Annavasal Police Station,
Annavasal,
Thanjavur District.

3. Sakthivel

... Respondents

PRAYER: Habeas Corpus 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 secure the body or person of the Detenue namely Kala, Wife of Karuppaiah aged about 37 years from the hands of the respondent No.3 and produce her before this Court and set her at liberty.

For Petitioner : Mr.N.Anandakumar

For Respondents 1&2 : Mr.M.Chandrasekaran
Additional Public Prosecutor.

ORDER

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

The petitioner is the husband of the detenue. The petitioner's wife, namely, Kala has been missing. Hence, this Habeas Corpus Petition came to be filed.

2. It is the specific allegation that on account of sexual torture given by the third respondent, namely, Sakthivel, petitioner's wife had gone missing and that she is in his hands.



3. As per the directions given by this Court, the detenue was produced before this Court.

4. The detenue submitted before this Court that she is willing to go with the petitioner / husband of the detenue. The husband is also ready to take her back.

5. The detenue is set at liberty and she has gone back / returned to her husband. The third respondent had earlier attacked the detenue with Aruval, causing injuries on her head, hip and thigh. A criminal case came to be registered against him. He was arrested and he was let out on bail later.

6. The third respondent now undertakes before this Court that he would not enter the village limits of the Writ Petitioner, namely, Pukkudipatti. The third respondent further undertakes that he shall not have anything to do with Kala, wife of the Writ Petitioner or any other women hereinafter.

7. The third respondent has also given a signed undertaking before this Court in this regard and the same is taken on record.

8. It is made clear that if the third respondent violates the undertaking given by him before this Court, Contempt of Court Action would be taken against the third respondent.

9. This Habeas Corpus Petition is disposed of accordingly.

10. A direction is issued to the second respondent / Inspector of Police, Annavasal Police Station, Annavasal, Thanjavur District, to ensure that the undertaking given before this Court by the third respondent is adhered to in letter and spirit.

11. The second respondent is directed to take follow-up action in respect of the Criminal case earlier registered against the third respondent and also file a status report before this Court within a period of one month from the date of receipt of a copy of this order.

Sd/-

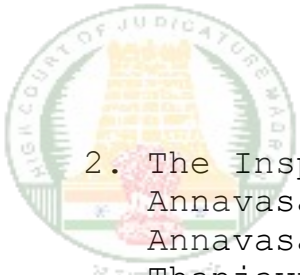
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.courtservice.mca.gov.in/>
Inspector of Police,
Pudukkottai District,
Pudukkottai.



2. The Inspector of Police,
Annavaasal Police Station,
Annavaasal,
Thanjavur District.

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HCP (MD) No. 641 of 2018
09.05.2018