



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

H.C.P. [MD] .No.696 of 2018

M.Nagaraj : Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
K.Pudur, Madurai 7.

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

3.Ilayaraja

4.Kamaraj

5.Rathinam

: 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 bodies or persons of the detenus, 1.the petitioner's wife - Bhagavathi, W/o.Nagaraj, aged about 28 years and 2.the petitioner's son - Pradhosh, S/o.Nagaraj, aged about 9 years, before this Court and set them at liberty.

For Petitioner : Mr.S.Murugan

For Respondents 1&2 : Mr.K.Dinesh Babu

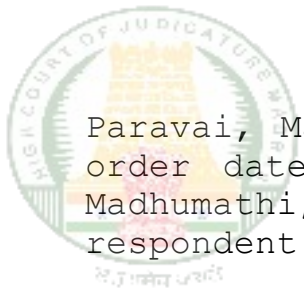
Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed by the husband of the first detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detenus, namely, his wife - Bhagavathi, aged about 28 years and his son - Pradhosh, aged about 9 years, before this Court and set them at liberty.

2. As directed, the detenus, namely, the wife of the petitioner, Bhagavathi, aged about 28 years and his minor son - Pradhosh, have been produced from Holi Angels Women Home [Orphan],



Paravai, Madurai District, where they were directed to be kept by order dated 14.06.2018. The daughter of the petitioner, namely, Madhumathi, aged 13 years has been produced by the second respondent police from the custody of the petitioner.

3. Our interaction with the daughter of the petitioner, namely, Madhumathi, informs that the assertion of the petitioner's wife of having left for Coimbatore along with children and her mother owing to ill-treatment at the hands of the petitioner and upon return of petitioner's mother-in-law accompanied by his teen aged daughter to the native place towards receipt of old age pension, the petitioner had detained his daughter, finds affirmation. The teen aged daughter submits that she and her grandmother had been beaten by the petitioner towards his being informed about the whereabouts of the wife and son of the petitioner and on having information under threat, the petitioner proceeded to Coimbatore and returned without finding them and thereafter, she had been forced to give a statement, which the petitioner had presented before the Inspector of Police, Alanganallur Police Station, the second respondent herein, whereupon, case in Crime No.128 of 2018 had been registered on 22.04.2018. Though the content of the compliant, registered in Crime No.128 of 2018, reads as a narration made by the petitioner, in column No.6, the name of the complainant is informed as "Madhumathi", viz., the teen aged daughter of the petitioner. Therefore, there is every likelihood that the statement of the daughter of the petitioner made before us is true. The statement made under Section 161(3) of the Code of Criminal Procedure given by the teen aged daughter in connection with case in Crime No.128 of 2018, on the file of the second respondent police reads otherwise. Thus, we consider it appropriate to pass the following Order:-

- No case of forcible detention calling for the issuance of a Writ of Habeas Corpus is made out.
- The wife of the petitioner, namely, Bhagavathi, may hold custody of the minor children, namely, Madhumathi, aged 13 years and Pradhosh, aged about 9 years and no harassment shall be caused by the petitioner either to them or to his mother-in-law, who resides with them.
- It will be open to the parties to work out their rights, if any, before the appropriate forum.
- Considering the discrepancies noted by us, we direct the Superintendent of Police, Madurai, to transfer the case in Crime No.128 of 2018 from the file of the second respondent police to the Deputy Superintendent of Police concerned for investigation.
- In the event of any difficulties faced by the detenus at the



the situation.

4. The Habeas Corpus Petition is disposed of on the above terms.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
K.Pudur, Madurai 7.
2. The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Holi Angels Women Home [Orphan],
Paravai, Madurai District.

+1cc to Mr.M.Senthil Kumar, Advocate SR.No.71197

Nb

MK/RSK/SAR 1/13.07.2018/3P/6C

ORDER MADE IN
H.C.P. [MD] .No.696 of 2018
03.07.2018