



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND

THE HONOURABLE MRS.JUSTICE **R.THARANI**
H.C.P.[MD].No.1589 of 2018

M.Mohamed Aris

: Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Nilakkottai Police Station,
Dindigul District.

3.S.M.Sarfudin

4.Saitha

5.Ajilone Beevi

6.Zarina

: 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 herein to produce the body and person of Mrs.Arabunnisa, aged 30, W/o.Askar Ali, from the illegal custody of the respondents 3 to 6 herein before this Court and set her at liberty.

For Petitioner : Mr.H.Elango

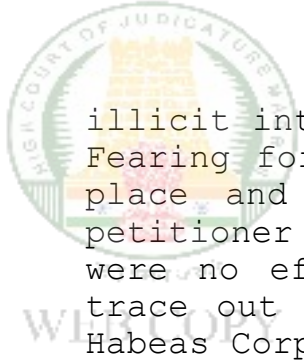
For Respondents 1&2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

The present Habeas Corpus Petition has been filed by the brother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body and person of Mrs.Arabunnisa, aged 30, W/o.Askar Ali, from the illegal custody of the respondents 3 to 6 herein before this Court and set her at liberty.

2. According to the petitioner, the respondents 3 to 6 are the close friends of the husband of the petitioner's sister and they used to visit his sister's house frequently. On 25.08.2018, at about 08.00 AM, the respondents 4 to 6 herein came to his sister's house, abused her and had beaten her with hands, suspecting that there is



illicit intimacy between his sister and the third respondent herein. Fearing for her life, the sister of the petitioner left the native place and her whereabouts were not known. In this regard, the petitioner made a complaint before the first respondent. Since there were no effective steps taken by the second respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. When we enquired the detenu, she has stated that since she was subjected to torture by the respondents 3 to 6 herein, fearing for life, she went to Ervadi Dharga. However, she has expressed her opinion that she is willing to go along with her brother and mother, who are present in Court. The detenu has further stated that if she returns back to the village, there may be harassment at the hands of the respondents 3 to 6.

4. In view of the above statement made by the detenu, we make it clear that if any complaint is made by the detenu, complaining that she is harassed by the respondents 3 to 6 herein, the second respondent police is directed to take appropriate action against them in accordance with law.

5. The Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Nilakkottai Police Station,
Dindigul District.

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

• 2 CCs TO Mr.M.KAUSHIKAN , ADVOCATE IN SR Nos. 97213,97204.

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ORDER MADE IN
H.C.P.[MD].No.1589 of 2018
26.11.2018