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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD)No.1205 of 2018

S.Sakthimanikandan : Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Andipatti Circle,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

4.The Sub-Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

5.Ganapathy,
Now working as Deputy Superintendent of Police,
Andipatti Circle,
Theni District.

6.Nirmaladevi
Now working as Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

7.Radhikala,
Now working as Sub-Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

8.S.Sivanjothi

9.The Mythiri Society Home,
Koduvilar Patti,
Theni District. : Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 & 9 to produce the body and person of the petitioner's wife, namely, S.Jeyapriya, D/o. Sekar, aged about 28 years, before this Court and set her at liberty.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents 1 to 4 : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner and the detenue are in love. The petitioner is 29 years old and the detenue is 28 years old. The detenue, apprehending threat from her family, gave a complaint seeking police protection. Strangely, the detenue was sent to a Home by the respondents 5 to 7, who have been arrayed in their individual capacity.

2. Today, the detenue is brought before us. She told us that she did give a complaint against the private respondent, viz., eighth respondent. The complaint was given anticipating trouble for the marriage between the petitioner and the detenue. She has also expressed her willingness to go with the petitioner. Therefore, we set her at liberty to join with the petitioner.

3. As rightly submitted by the learned Counsel for the petitioner, the conduct of respondents 3 to 7 needs to be depreciated. When the detenue herself, being a 28 years old women, who was working in a college, has given a complaint, without any basis, she cannot be sent to a Home. This is nothing but infringing the liberty of a person.

4. The learned Counsel for the petitioner submitted that the aforesaid methodology was adopted, since the detenue has refused to re-join her parents. Moral policing can never be encouraged.

5. Though this is a fit case for making strong remarks and imposing costs, we refrain ourselves from doing so, as the learned Additional Public Prosecutor has assured us that no such incident would recur in future and he would give suitable instructions to the official respondents in this regard.

6. The respondents 2 & 3 are directed to give protection to the petitioner and detenue, as and when required.

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7. With the above observations and directions, this Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Andipatti Circle,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

4.The Sub-Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

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

+1cc to M/S.Niranjan S.Kumar, Advocate SR.No. 79946

H.C.P.(MD)No.1205 of 2018
21.08.2018

JM/KAK/SAR 3/07.09.2018/3P/7C

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