

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2019

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.1933 of 2018

Kalpana

.. Petitioner

Versus

1.The State: represented by
The Inspector of Police,
Thiruvallur Police Station,
Thiruvallur, Thiruvallur District.

2.Arumugam

3.Mrs.Devibala

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the 1st respondent to produce the person or body of the detainee, namely Mr.Ashwin, son of Mr.Arumugam, aged about 32 years, resident of No.4, Jakkubai Street, Kakkalur Village, Bakkiyam new Town, Thiruvallur, Thiruvallur District before this court.

For Petitioner : Mr.S.Rajan Babu

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the missing detenu, namely Ashwin, son of Arumugam / 2nd respondent. According to her, she married the detenu on 03.07.2017 and it was an arranged marriage and right from the date of marriage, she has been subjected to torture and cruelty at the hands of the husband as well as in-laws and in this regard, so far no complaint has been registered. The petitioner would state that though she want to join with her husband, her in-laws, who are respondents 2 and 3 herein, are not permitting him to do so and alleging illegal detention / custody at the hands of the in-laws namely the respondents 2 and 3, who also happens to be the parents, came forward to file this Habeas Corpus Petition.

2. The Habeas Corpus Petition was entertained. The 1st respondent has filed a Status Report which would indicate among other things that all-out efforts have been taken to trace the whereabouts of the detenu.

3. Mr.C.Iyyapparaj, the learned Additional Public prosecutor has also produced the alleged suicide note written by the detenu stating that

in the light of the attitude of the petitioner, such letter said to have been written by the detenu.

4. The learned counsel appearing for the respondents 2 and 3 would submit that the petitioner is guilty of not only harassing the in-laws, but also her husband and unable to bear with the torture and ill-treatment given by her, the detenu left the company of his wife on his own volition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal and consideration of the materials would *prima facie* indicate that the detenu, on his own volition, left the company of his wife alleging ill-treatment and torture at the hands of her. It is also to be noted at this juncture that the petitioner has also given a complaint to the Superintendent of Police, Thiruvallur District alleging ill-treatment and torture at the hand of the in-laws.

M.SATHYANARAYANAN, J.,

AND

M.NIRMAL KUMAR, J.,

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7. In the light of the above facts and circumstances, it cannot be said that the detenu is kept under illegal custody / detention at the hands of his own parents, namely the respondents 2 and 3.

8. Accordingly, the Habeas Corpus Petition stands dismissed. However, the 2nd respondent is directed to take all-out efforts to trace the detenu and as and when, he is traced/secured, also to be produced before the Court of Judicial Magistrate No.1, Thiruvallur for passing appropriate orders.

[M.S.N., J] [M.N.K., J]
15.03.2019

Internet : Yes/No

Index : Yes/No

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To

1.The Inspector of Police,
Thiruvallur Police Station,
Thiruvallur, Thiruvallur District.

2.The Public Prosecutor
High Court, Madras.

HCP.No.1993 of 2018