

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.792/2019

A.Kamatchi

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Petitioner

vs.

1.The Superintendent of Police
Villupuram District, Villupuram.

2.The Inspector of Police
Nallanpillai Petral Police Station
Gingee Taluk, Villupuram District.

3.Tmt.Rani

4.Elumalai

5.Ramesh

6.Kuppan @ Kuppusamy

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Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of petitioner's husband namely Ashokan, son of Late Ramasamy, aged about 45 years before this Court and set him at liberty.

For Petitioner .. Mr.K.Semmalai

For RR 1 & 2 .. Mr.C.Iyyappa Raj, APP

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is the wife of the detenu, viz., Ashokan, and according to her, her husband is doing cultivation in his own lands and for agricultural purposes, he borrowed a sum of Rs.1,50,000/- during September 2016 and for due repayment of the same, he also executed an Agreement of Sale on 05.10.2016 for the said amount in favour of the 3rd respondent in the presence of the 6th respondent . The 3rd respondent taking advantage of the situation, in connivance and conspiracy of the 6th respondent manipulated the Sale Agreement for a huge sum as if it was executed for the said sum and the 3rd respondent also instituted a suit for specific performance in OS.No.153/2018 on the file of

the Sub Court, Gingee and however, despite pendency of the civil litigation, all of a sudden the respondents 3 to 6 and along with 3 other henchmen, barged into the house of the petitioner and dragged her husband at about 11.30 pm., on 12.04.2019 and took him in a car and in this regard, she has lodged a complaint on the file of the 1st respondent on 13.04.2019 and later on, they started demanding a sum of Rs.10 lakhs to release her husband and fearing about the safety, well being and whereabouts of her husband, came forward to file the present petition.

2 Mr.C.Iyyappa Raj, learned Additional Public Prosecutor made a mention to take up this petition for hearing for the reason that the detenu is being produced and accordingly, the matter is taken up.

3 The detenu Ashokan, on enquiry, would state that he would admit the fact of borrowal of a sum of Rs.1,50,000/- and however, it was arranged through one broker who has take away a sum of Rs.50,000/- and the detenu was given only a sum of Rs.1,00,000/- and in lieu of that, an Agreement of Sale was also executed on the date of borrowal on 05.10.2016 and on account of the some difficulty, he is unable to service the debt and on 12.04.2019, without his consent, he was forcefully taken away to a secluded place and he was asked to either execute the Sale Deed or to repay the money and some time thereafter, the premises in which he was kept in detention was unguarded and taking advantage of the same, he escaped and reached the home.

4 The learned Additional Public Prosecutor on instructions, would submit that based on the complaint given by the petitioner a case in Crime No.65/2019 was registered by the 2nd respondent on 24.04.2019 for the alleged commission of the offences u/s.149, 448, 368, 506[ii] IPC, wherein the respondents 3 to 6 are arrayed as accused persons and the investigation is on.

5 In the light of the fact that the detenu is admittedly with his wife - petitioner herein, nothing remains for further adjudication in this Habeas Corpus Petition. However, the 2nd respondent is directed to carry out the investigation in a fair and proper manner and in accordance with law and file a final report as expeditiously as possible.

6 The Habeas Corpus Petition is disposed of with the above observations.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

AP

To

1.The Superintendent of Police
Villupuram District, Villupuram.

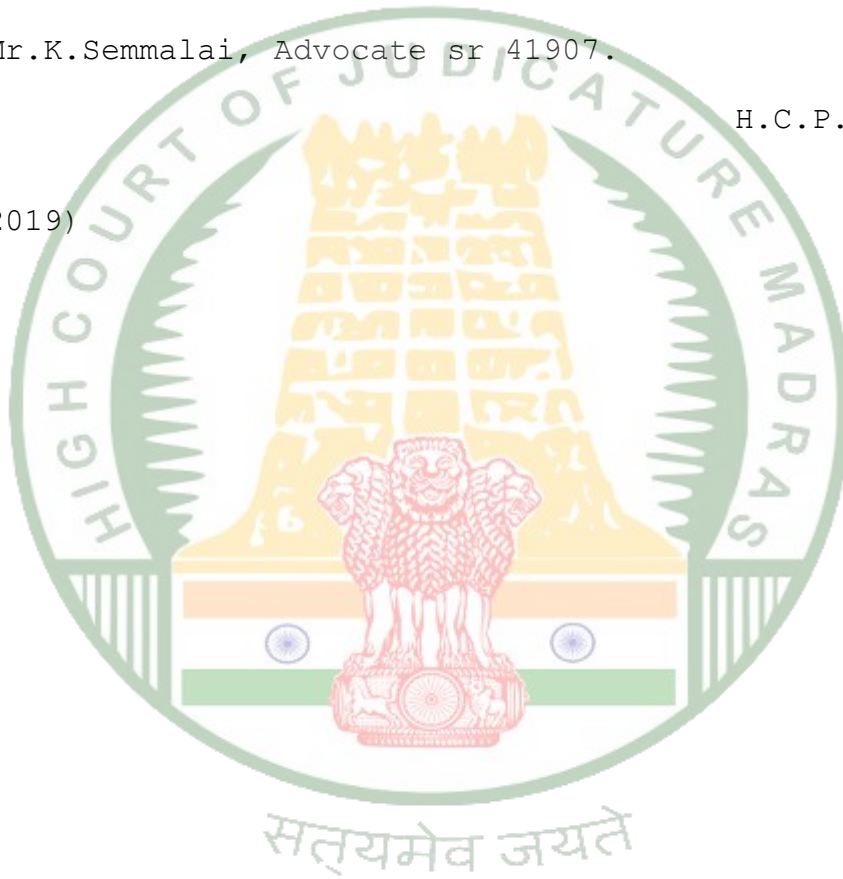
2.The Inspector of Police
Nallanpillai Petral Police Station
Gingee Taluk, Villupuram District.

3.The Public Prosecutor,
Madras High Court, Madras.

+1 CC to Mr.K.Semmalai, Advocate sr 41907.

H.C.P.No.792/2019

NMI (CO)
SP(31/05/2019)



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