

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M.NIRMAL KUMAR

H.C.P.No.1130 of 2019

G.Rathinavel

.. Petitioner

Vs

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Mecheri Police Station,
Mecheri - 636 453,
Salem District.
(Crime No.235 of 2019)

3.S.Prabhakaran

..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to direct respondents 1 and 2 herein to produce the body and person of the detenu by name Suhasini, wife of Rathinavel, aged about 25 years and by name Arun Vijay, who is aged about 1 ½ years before this Court and set them at liberty.

For Petitioner... Mr.M.R.Jothimanian

For R1& R2 .. Mr.C.Iyyapparaj
Additional Public Prosecutor

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ORDER

(Order of the Court was delivered by M.M.SUNDRESH, J.)

The petitioner is the husband of the detenu - Mrs.Suhasini aged 25 years and the father of the detenu - Arun Vijay aged 1 ½ years. He has come up with this petition seeking a direction to the 1st and 2nd respondents for the production of his wife and son.

2. Today, both the petitioner and the detenues are present. The petitioner and the detinue - Suhasini, the wife of the petitioner have agreed to live together. However, both of them expressed continuous threat from the side of the 3rd respondent. The petitioner and his wife have stated that the 3rd respondent is having unlicensed gun. Even on 20.08.2019, an oral complaint was given by the mother-in-law of the petitioner in view of the threat exerted by the third respondent. However, the oral complaint has not been enquired into by the police. The petitioner has further stated that Mr.Manonmani, Sub Inspector of Police, is openly taking sides with the 3rd respondent. It is also brought to the notice of this court that there is a case in counter between the parties.

3. Considering the above, we are inclined to direct the Inspector of Police, Mecheri Police Station, Mecheri, to take up the investigation by himself or by any other police officer except Mr.Manonmani, the Sub Inspector of Police. The police officer, who undertakes the investigation shall also enquire into the allegation with respect to the possession of unlicensed and illegal arms in the custody of the 3rd respondent as the place in which he is residing is adjoining to the reserved forest. The efforts will have to be made to secure the jewels belonging to the wife of the petitioner which are stated to be in the custody of the 3rd respondent. The wife of the petitioner has also informed us that without her consent, the 3rd respondent has pledged the jewels with a third party. Even in that eventuality, steps will have to be taken to make sure that the jewels are returned back to the wife of the petitioner. We, however, make it clear that even in the pending case, Mr.Manonmani, Sub Inspector of Police shall not have any part in future.

4. In the result, this Habeas Corpus Petition is disposed of accordingly with the above directions.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk/msrm

To

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Mecheri Police Station,
Mecheri - 636 453,
Salem District.
(Crime No.235 of 2019)

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

+1 CC to Mr.M.R.Jothimanian, Advocate sr 71375.

H.C.P.No.1130 of 2019

RV (CO)
SP(19/09/2019)



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