

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

Coram

The Honourable Mr.Justice M.M.SUNDRESH
and
The Honourable Mr.Justice M.NIRMAL KUMAR

H.C.P.No.1583 of 2019

R.Periyasamy

.. Petitioner

vs.

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

2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai.

3. N.Senthil Kumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the 2nd respondent to produce the body or in person of detainee/namely Saranya, wife of N.SenthilKumar, aged 31 years, who has been illegally detained by the third respondent before this Court and set her liberty.

For Petitioner : M/s.K.Selvarangan

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor
for R1 & R2
Mr.A.S.Balaji for R3

ORDER

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

Petitioner is the relative of the detainee. He has filed the above habeas corpus petition seeking direction to the 2nd respondent to produce the body or person of his relative/detainee namely, Saranya before this Court.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

3. The petitioner claims that his relative/detenué namely Saranya has studied Teacher training course and she went to Krishnagiri on 16.07.2019 seeking employment. The detenué has filed a divorce petition before the Principal Sub Judge, Tiruvannamalai, Tiruvannamalai District on 01.07.2017 and on 10.07.2019 she gave a petition for police protection to her to the second respondent. But both the first and second respondents did not take any action. The third respondent gave a false complaint stating that the detenué/Saranya was kidnapped by somebody. The detenué was taken to her mother's house by the third respondent/Senthil Kumar and that she was brutally beaten by her husband/third respondent and that he apprehends danger to her life by her husband. Hence he filed the above habeas corpus petition with the prayer as stated above.

4. This petition came up before this Court for admission on 29.07.2019. After request of the learned counsel for the petitioner, the matter was adjourned today (30.07.2019). Accordingly, the learned Additional Public Prosecutor produced the detenué before this Court today.

5. This Court has enquired the detenué and the detenué stated that she is aged about 31 years. She is not disputing the fact that she got married to the third respondent. The detenué, on her own volition, stated that she is not willing to go with the third respondent and is only willing to go with the petitioner.

6. Recording the statement of the detenué that she is not willing to go along with the third respondent and is willing to go with the petitioner/her relative, this petition is closed. We also hope and trust that the third respondent/Senthil Kumar shall not make any effort to threatened the detenué. If the detenué feels threatened she can always approach the second respondent as the case may be.

WEB COPY

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

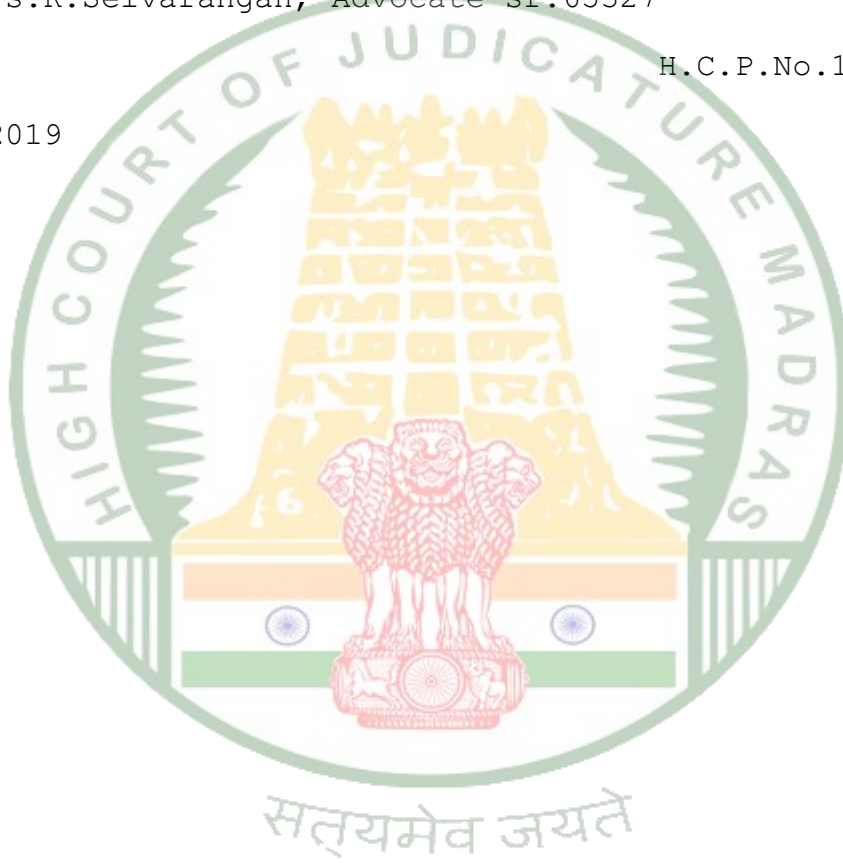
2. The Inspector of Police,
All Women Police Station,
Tiruvannamalai.

+lcc to Mr.A.S.Balaji, Advocate sr.65570

+lcc to M/s.K.Selvarangan, Advocate sr.65327

H.C.P.No.1583 of 2019

mr(co)
nr 29/08/2019



WEB COPY