

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT.TEEKAA RAMAN

Habeas Corpus Petition No.2292 of 2019

L.K.Dhayanithi

... Petitioner

vs.

1. The Inspector General,
West Zone,
Race Course Road,
Thomas Park,
Race Course,
Coimbatore - 641 018.
2. The Superintendent of Police,
Erode District,
Erode.
3. The Deputy Superintendent of Police,
Erode District,
Erode.
4. The Inspector of Police,
Vellode Police Station,
Erode.
5. The Inspector of Police,
Modakurichi Police Station,
Erode.
6. G.Suganthi
7. G.Ganapathi

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the Respondents 1 to 5, to produce the body of the detainee viz. G.Ragavi, aged 22 years, wife of Dhayanithi, before this Court and set her at liberty.

For Petitioner : Ms.R.Shase

For Respondents 1 to 5 : Mr.R.Prathap Kumar,
Additional Public Prosecutor

For Respondents 6 & 7 : Mr.A.Gokulakrishnan

O R D E R

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

The Petitioner is the husband of the detinue, viz. Ragavi. Both the Petitioner and the detinue are married to each other and the same is not in dispute. Alleging that the detinue is in the illegal custody of Respondents 6 and 7, who are none other than the mother and father of the detinue, the present Habeas Corpus Petition is filed.

2. On 22.10.2019, we issued notice to the parties. Accordingly, the Petitioner, the detinue, Respondents 6 and 7 are present before this Court. Initially, we had separate interaction with the detinue and thereafter, with the Petitioner. The detinue has categorically informed us that she is not inclined to join with the Petitioner. However, the Petitioner has informed us that the detinue is being tutored by Respondents 6 and 7.

3. To resolve the dispute, we asked the detinue to have an interaction with the Petitioner. Though, she was reluctant, we are able to persuade her to interact with the Petitioner. This, we did, after interaction with Respondents 6 and 7, who also agreed for the same.

4. Thereafter, the Petitioner and the detinue had one-to-one talk with each other. After interaction with the Petitioner, the detinue, once again informed us that she is not willing to change her stand.

5. The Petitioner sought for one more opportunity to talk to the detinue. Though the detinue was very reluctant, we were able to persuade her with some difficulty, to talk to the Petitioner, by impressing upon her that, this is a matter to be resolved either way. Similarly also, we told the Petitioner to look at the problem in a practical way. Accordingly, we facilitated one more talk between the Petitioner and the detinue.

6. After the completion of the aforesaid talk, both the Petitioner and the detinue are sticking to their respective

stand. Thus, we find no more useful purpose to be served by making the parties to resolve their dispute.

7. Suffice it is to state that, there is no illegal detention involved in this case and hence, the detainee is set at liberty. Needless it is to state that, the parties are at liberty to work out their remedy in the manner known to law.

8. At this juncture, learned counsel appearing for Respondents 6 and 7 submitted that the original Certificates of the detainee will have to be returned to her.

9. Learned counsel for the Petitioner, on instructions from the Petitioner, fairly submitted that, by tomorrow (31.10.2019) evening, all the Original Certificates of the detainee will be handed over to the 4th Respondent/Inspector of Police, Vellode Police Station, Erode. The said statement of the learned counsel for the Petitioner, is recorded.

10. Since the learned counsel for the Petitioner has acted fairly, the apprehension expressed by the Petitioner, as submitted by the said counsel, is put to the learned counsel appearing for Respondents 6 and 7, who submitted that there will not be any external force that will be exerted on behalf of Respondents 6 and 7. This statement also stands recorded.

11. We make it clear that on receipt of the Original Certificates, as stated above, the 4th Respondent shall hand over the same to the detainee and Respondents 6 and 7. We place on record, the sincere efforts made by the learned counsel appearing for both sides.

This Habeas Corpus Petition is closed with the above direction and observation.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1.The Inspector General, West Zone, Race Course Road,
Thomas Park, Race Course, Coimbatore - 641 018.

2.The Superintendent of Police,
Erode District, Erode.

3.The Deputy Superintendent of Police,
Erode District, Erode.

4.The Inspector of Police,
Vellode Police Station, Erode.

5.The Public Prosecutor,
High Court, Madras.

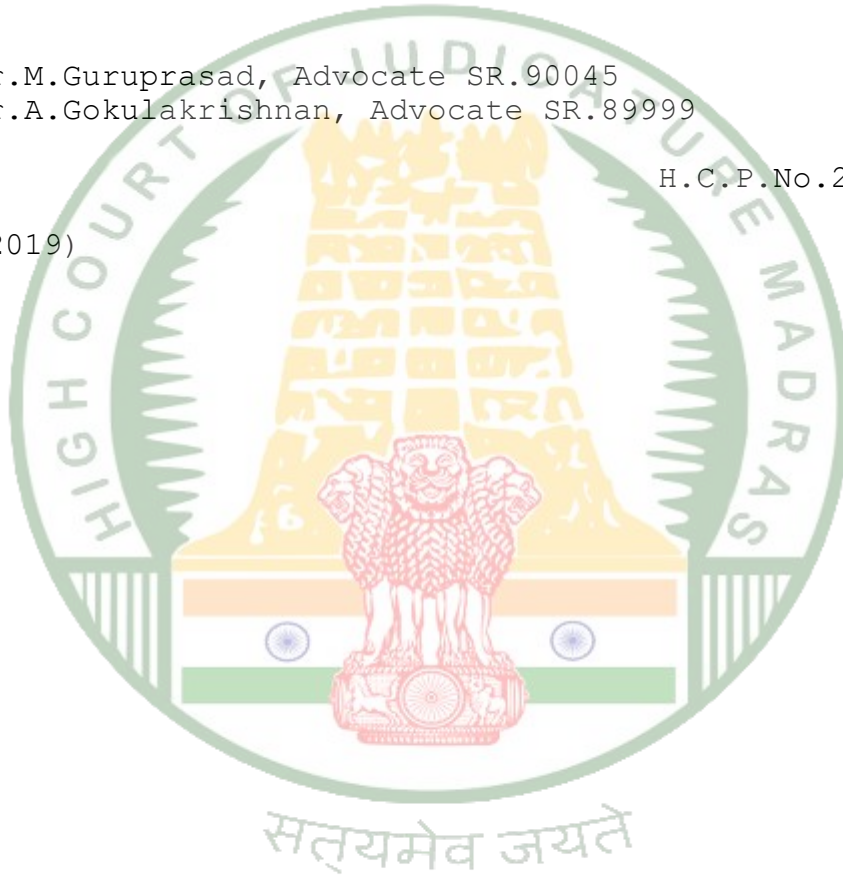
6.The Inspector of Police,
Modakurichi Police Station,
Erode.

+1cc to Mr.M.Guruprasad, Advocate SR.90045

+1cc to Mr.A.Gokulakrishnan, Advocate SR.89999

H.C.P.No.2292 of 2019

SVI (CO)
CB(02/12/2019)



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