

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.28525 of 2019

and

Cr1.M.P.No.15212 of 2019

Emmi Mothra

...Petitioner

Vs.

1. Inspector of Police,
AVS I PS, Chennai.
(Crime No.28 of 2019)

2. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower-II, 2nd Floor,
Egmore, Chennai.

3. The Superintendent,
Government Home for Women,
Mylapore, Chennai - 600004.

4. Soniya Akhtar

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to grant a general direction directing the 2nd respondent to file a report pertaining to the detention of the detainee by name Soniya Akhtar and in pursuance direct the Hon'ble IV Metropolitan Magistrate at Saidapet, Chennai to dispose the Cr1.M.P.No. Not known of 2019 in Crime No.28 of 2019 on the file of the 1st respondent as expeditiously.

For Petitioner	: Mr.R.Mohanan
For Respondents	: Mr.C.Iyyapparaj
	Additional Public Prosecutor
	for R1 to R3

O R D E R

This petition has been filed by the husband of the detainee seeking for release of the detainee, who is now detained before the 3rd respondent Government Home for Woman.

2. The 1st respondent registered an FIR in Crime No.28 of 2019 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the husband of the 4th respondent, namely Soniya Akhtar, who was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home.

3. The learned counsel for the petitioner submitted that the petitioner filed a petition in Crl.M.P.No.Not Known of 2019 before the Court below, seeking for the release of the petitioner's wife and the same is kept pending on the ground that the P.O. report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4. Taking into consideration the earlier orders passed by this Court in Crl.O.P.No.27063 of 2018, Crl.O.P.No.26714 of 2018, Crl.O.P.No.29421 of 2018, Crl.O.P.No.18627 of 2019 and Crl.O.P.No.25650 of 2019, wherein this Court has dealt with an issue of similar nature and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The petitioner, before taking his wife, namely the 4th respondent from the home, shall produce necessary evidence to show his relationship with the 4th respondent. The 4th respondent, on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O. report is submitted before the Court.

6. This Criminal Original Petition is disposed of, with the above directions. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. IV Metropolitan Magistrate Court,
Saidapet, Chennai.
2. The Inspector of Police,
AVS-I PS, Chennai.
3. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower-II, 2nd Floor,
Egmore, Chennai.
4. The Superintendent,
Government Home for Women,
Mylapore, Chennai - 600004.
5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Mohanan, Advocate sr.88365

Crl.O.P.No.28525 of 2019
and
Crl.M.P.No.15212 of 2019

sj(co)
nr 23/10/2019