

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2019

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM
and
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.2798 of 2018

K.P.Palanisamy
S/o.Pongiyanna Gounder

... Petitioner

-Vs-

1.The Superintendent of police,
Erode District, Erode.

2. The Inspector of Police,
Malayampalayam Police Station,
Malayampalayam Post,
Erode District.

3. S.Dhanasankar

4. R.Sabanayagam

5. S.Sampoornam

6. S.Sakthivel

7. S.Rashmitha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to secure the body of the detinue by name Mathimalar, aged about 33 years, Daughter of K.P.Palanisamy/Petitioner from the illegal custody of the respondents 3 to 7 and produce her before this Hon'ble Court for the entrustment of the lawful custody to the Father/Petitioner herein.

For Petitioner : Mr.D.Gopi

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor
for RR1 & 2

Mr.V.S.Kesavan for R3

R4 to R7 : No Appearance

ORDER

[Order of the Court was made by C.T.SELVAM, J]

Petitioner, who is the father of the detenue viz., Mathimalar/Wife of the third respondent, aged 33 years, alleging that the whereabouts of the detenue was not known and that she had been subjected to much ill treatment at the hands of third respondent and her in-laws, filed the present Habeas Corpus petition seeking production of his daughter.

2. We have heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents.

3. Mr.V.S.Kesavan, learned counsel entered appearance for third respondent whose counter affidavit, dated 08.01.2019 informs much, which, if true, would show the petitioner and his wife in very poor light.

4. We, however, are not now required to dwell upon the conduct of the parties on either side. The concern of this Court can only be regards the welfare of the detenue and if she is presently in safe housing. Such position is affirmed by the affidavit of the third respondent and further confirmation from the fact of the Home authorities informing that the petitioner had contacted them enquiring after the detenue on 18.12.2018. The whereabouts of the detenue now being no secret, nothing survives consideration in the present Habeas Corpus Petition. It is admitted position that the detenue is in near vegetative state and this Court can only hope that the relatives will not enter upon such a quarrel as would ensure her end.

5. Accordingly, this Habeas Corpus Petition shall stand dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

kmi

To

1. The Superintendent of police,
Erode District,
Erode.

2. The Inspector of Police,
Malayampalayam Police Station,
Malayampalayam Post,
Erode District.

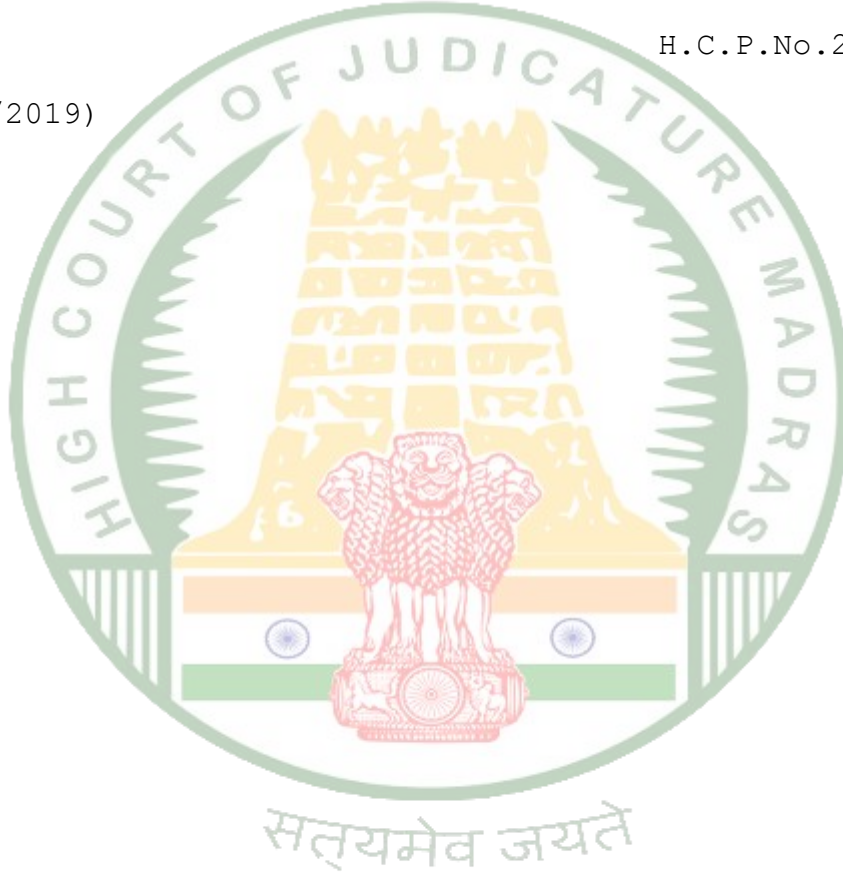
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.S.Kesavan, Advocate SR.No.2265

+1cc to Mr.D.Gopal, Advocate SR.No.2392

H.C.P.No.2798 of 2018

SSD(CO)
GMY(22/02/2019)



WEB COPY