

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.2894 of 2018

M.Damodharan ... Petitioner

-vs-

1.The Superintendent of Police,
District Superintendent Office,
Villupuram.

2.The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District.

3.Kaviarasan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to produce the illegal detenu 1.Shenbagam (aged 27 years), W/o. Damodharan and Sivapriyan (aged 5 years), S/o. Damodharan or bring the corpus of the detenu before this Hon'ble Court and set them at liberty from the third respondent.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.C.Iyyapparaj,
Additional Public Prosecutor

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ORDER

[Order of the Court by M.Sathyannarayanan, J.]

The petitioner is the husband of the detenu viz., Shenbagam, who is aged about 27 years and out of wedlock, they begotten two children. According to the petitioner, their marriage was a love marriage and he is eking out his livelihood as a driver of harvester machine. The petitioner developed

suspicion on account of the fact that his wife used to be frequently in touch with the third respondent through mobile phone and taking advantage of the same, the third respondent has illegally detained his wife as well as his second son viz., Sivapriyan from 13.11.2018. In this regard, the petitioner has lodged a complaint to the respondent police on 04.12.2018 and originally was assigned with CSR No.809 of 2019 and thereafter, F.I.R came to be registered in Crime No.780 of 2018 on 17.12.2018 for "Woman Missing". The petitioner, apprehending the welfare of his wife especially his second son, came forward with this Habeas Corpus Petition.

2. Today, a mention was made by the learned Additional Public Prosecutor that the detainee was secured and accordingly, the matter has been listed today.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that now the F.I.R in Crime No.780 of 2018 has been registered for "Woman Missing" and the investigation is on and since the detainee has been produced, this Court may pass appropriate orders.

4. The detainee, who is present before this Court, was enquired into and she would state that her husband, under the influence of alcohol verbally and physically abused her and started suspecting her fidelity and unable to bear with the same, she went with the third respondent, who is a co-worker and specifically denied the allegation that she is having illicit intimacy with the third respondent. The detainee also expressed her willingness to along with the petitioner/husband.

5. The petitioner, who is also present before this Court, was also enquired and he would state that since his wife frequently contacted the third respondent through mobile phone, he developed suspicion and since his wife is inclined to come along with him, he undertakes to maintain her properly and would not utter any word as to the alleged past act.

6. In the light of the fact that the detainee, who is admittedly a major, has been produced and she is also willing to go along with her husband/petitioner, this Court is of the view that nothing remains for further adjudication. Hence, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Jvm

To

1.The Superintendent of Police,
District Superintendent Office,
Villupuram.

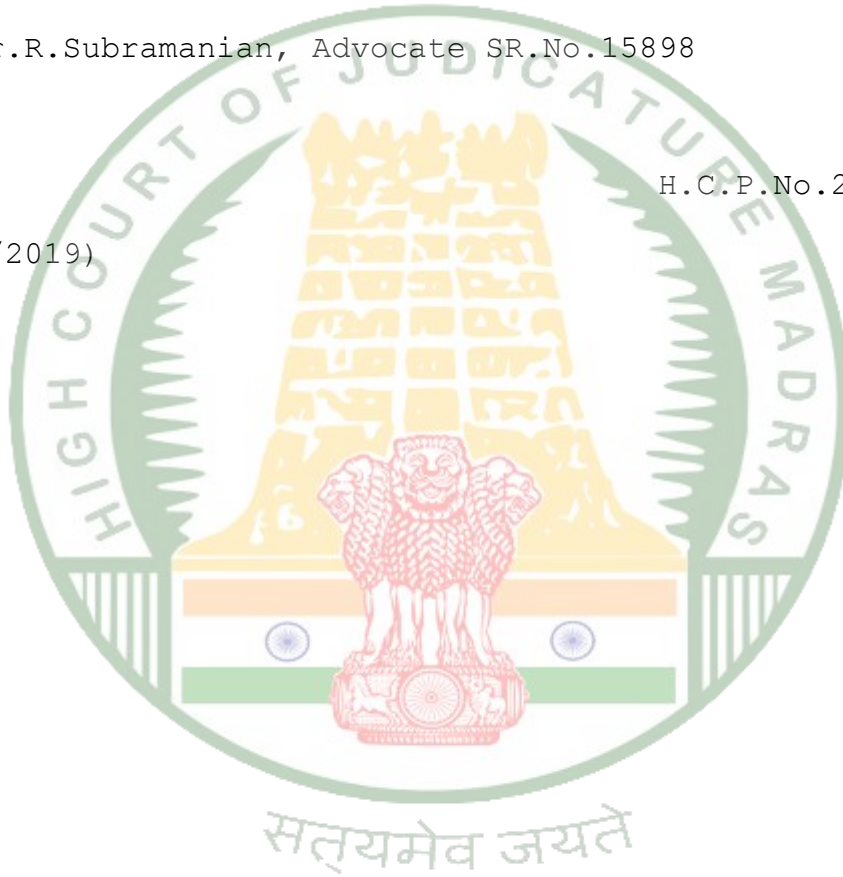
2.The Inspector of Police,
Kachirapalayam Police Station,
Villupuram District.

3. The Public Prosecutor, High Court, Madras

+lcc to Mr.R.Subramanian, Advocate SR.No.15898

H.C.P.No.2894 of 2018

CA(CO)
GMY(12/03/2019)



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