



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 01.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 574 OF 2019

P.Suresh

.. Petitioner

- Vs -

1. The Director General of Police
Beach Road, Mylapore, Chennai - 04.

2. The Superintendent of Police
Dindigul District.

3. The Dy. Superintendent of Police
Nilakottai, Dindigul District.

4. The Inspector of Police
Batlagundu Police Station,
Dindigul District.

5. Kumarappa

6. Rameshwari

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the 4th respondent to produce the person or body of the petitioner's wife, viz., Ansuya, aged about 27 years, in the illegal custody of the 5th & 6th respondent before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. M.Laxmi Mahendraa

For Respondents : Mr. K.Dinesh Babu, APP for RR-1 to 4
Mr. M.Sankar for RR-5 & 6

ORDER

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

The petitioner claims that he and the detinue, viz., Anusya, aged about 27 years, were in love and marriage between them was also solemnised at Mangadu Amman Temple, tiruvallur District about



five months back and the detenue is also in the family way and that she is four months pregnant. It is the specific case of the petitioner that against her will and wish, respondents 5 and 6, who are the parents of the detenue, have forcefully taken her away and they are also making attempts to abort the foetus and, thereafter, preparing for marrying her to another person and the complaint given in this regard by the petitioner failed to evoke any response and, therefore, the petitioner has come forward to file the present habeas corpus petition.

2. Mr.Dinesh Babu, learned Addl. Public Prosecutor, accepts notice on behalf of respondents 1 to 4 and on instructions, submit that the 5th respondent had lodged a complaint as to the missing of the detenue, based on which CSR No.579/19 was taken on the file of T-15, SRMC Police Station. It is further submitted that the detenue appeared before the Station House Officer of the said police station and gave a written statement admitting her marriage with the detenue, but however, she wants to go with her parents.

3. Though the learned counsel for the petitioner expressed apprehension as to the steps being taken by the parents of the detenue to abort the foetus and giving the detenue in remarriage to someone else, and seeks for production of the detenue before this Court, however, in the light of the fact that the detenue is in the family way and that she is pregnant for about four months and if she is directed to be present before this Court, she may have to take a long journey, which may not be good for her health, this Court permits the petitioner to move the Principal Bench as to the production of the detenue.

4. In the light of the above facts and circumstances, this habeas corpus petition is closed granting liberty to the petitioner to move a habeas corpus petition before the Principal Bench for appropriate relief as to the production of the detenue.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Director General of Police
Beach Road, Mylapore, Chennai - 04.

2. The Superintendent of Police
Dindigul District.



3. The Dy. Superintendent of Police
Nilakottai, Dindigul District.

4. The Inspector of Police
Batlagundu Police Station,
Dindigul District.

5. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1CC TO MR.M.LAXMI MAHENDRAA, Advocate Sr. No.72557

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TR (02.07.2019) 3P 7C