

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.601 of 2020

Navaneetheakrishnan ...Petitioner/Complainant

Vs

1.State Rep. by,
The Inspector of Police,
Perundurai Police Station,
Erode.

2.The Superintendent of Police,
Erode.

3.The Superintendent of Police,
Tiruppur.

4.State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur.

5.Mr.Raghupathi

6.The Commissioner Police,
Tiruppur
(Suo moto impleaded the
fifth & sixth respondent
in HCP 601/20 order dated
20/03/2020)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the first respondent to produce the person or body of the detenu (my wife) Mrs.Mownika D/o.Ragupahi, aged about 24 years, who is detained illegally by the detenu's family before this Court and set her at liberty.

For Petitioner : Mr.C.R.Deepak.
For Respondents : Mr. R. Prathap Kumar,
Additional Public Prosecutor.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioner has approached this Court seeking to produce his wife viz., Mrs.Mownika D/o.Ragupathi aged about 24 years who is in the illegal custody of her parents.

2.The learned Counsel for the petitioner submitted that the petitioner got married the detainee on 14.02.2020 in Tiruppur and she has been living with him. However, the parents and the relatives of the detainee have forcibly taken the detainee from the petitioner on 09.03.2020 and therefore, the petitioner has given a complaint before the first respondent / Inspector of Police. The case has been registered in Cr.No.122 of 2020 for the offence under Section 365 of Indian Penal Code against four persons viz., the detainee's father, mother and two uncles of the detainee. Since, no action has been taken, the present petition has been filed.

3.When the matter is called today, the detainee has been produced before this Court. The parents of the detainee and the petitioner are present before this Court. The detainee would categorically state that she got married with the petitioner on her own willingness on 14.02.2020 in the presence of the parents of the petitioner. It is seen that she is a major and she submitted that she has completed B.E., degree. The petitioner submitted that he is running a garment company at Tiruppur. The detainee further submitted that she is very much afraid of the safety and security of her husband as her parents and relatives will take vengeance against her husband and declared that she wanted to go with her parents.

4.It is very clear from the submissions made before this Court that the detainee got married with the petitioner. However, due to the fear on her parents that they would do away with the life of her husband, she declared that she wanted to go with her parents. Otherwise, she would have declared that she wanted to go with her husband. Subsequently, after interacting with her husband, she submitted that she would go with her husband / petitioner. Since she is a major, she has got every right to take her own decision and she expressed her willingness to go with her husband provided that sufficient police security

is given to them.

5.Mr.Anantha Narayanan, learned Senior Counsel appearing on behalf of the parents of the detenue submitted that the parents will not disturb the life of the detenue and the petitioner and sought for dropping the action in the case filed against them. However, the learned Counsel for the petitioner submitted that the original certificates of the detenue are with her parents and sought for handing over the same. Hence, this Court, suo motu, impleads Mr.Ragupathi, father of the detenue as fifth respondent to the proceedings. Mr.Gokula Krishnan, learned Counsel under takes to file vakalat on behalf of the newly impleaded respondent.

6.The learned Senior Counsel for the fifth respondent submitted that all the certificates of the detenue will be handed over by the fifth respondent through the Inspector of Police on 23.03.2020 and based on the same, the action may be dropped in the case filed against them in Cr.No.122 of 2020.

7.However, taking into consideration of the said facts and circumstances and since the safety of the detenue and the petitioner is not assured, appropriate police protection shall be given to the petitioner and the detenue and the family members and to the company of the petitioner. Since there is some jurisdiction difference in giving police protection, this Court, suo motu, impleads, "The Commissioner of Police, Tiruppur" as sixth respondent to the proceedings. The newly impleaded respondent shall pass appropriate directions for giving police protection to the petitioner, the detenue and the family members and to the company of the petitioner to the concerned jurisdictional police.

8.With the above directions, this Writ Petition is closed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Note: Registry is directed to carry out necessary amendments in the cause title.

To

1.State Rep. by,
The Inspector of Police,
Perundurai Police Station,
Erode.

2.The Superintendent of Police,
Erode.

3.The Superintendent of Police,
Tiruppur.

4.State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur.

5.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

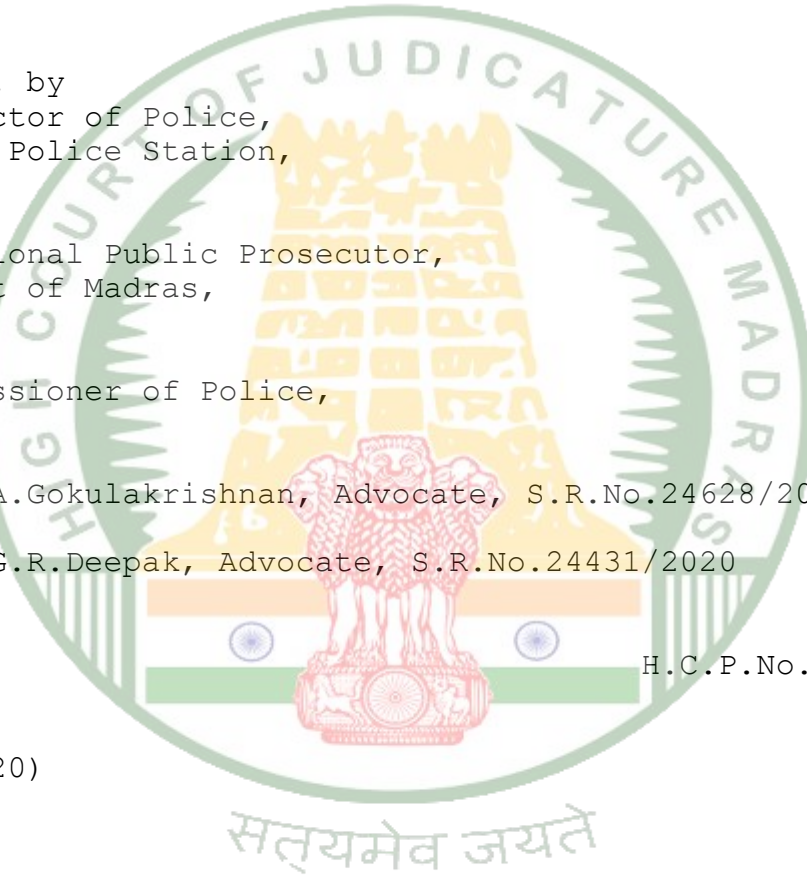
6.The Commissioner of Police,
Tiruppur.

+1cc to Mr.A.Gokulakrishnan, Advocate, S.R.No.24628/2020

+1cc to Mr.G.R.Deepak, Advocate, S.R.No.24431/2020

H.C.P.No.601 of 2020

SR(CO)
RN(29/05/2020)



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