

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.6.2020

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

H.C.P.No.786 of 2020

L.Ashok Kumar

...Petitioner

Vs

1. State, rep.by the Inspector of
Police, E3 Minjur Police Station,
Minjur, Ponneri Taluk,
Tiruvallur District.

2. Thiru.S.Srinivasan

...Respondents

3. The Superintendent of Police,
Tiruvallur District.

3rd respondent is suo - moto impleaded as HCP No.786/2020, as per order in HCP No.786/2020 dated 02/06/2020.

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the first respondent herein to produce the body of person of the petitioner's wife namely Vaishali, aged about 27 years from the illegal custody of the second respondent before this Court and set her at liberty forthwith.

For Petitioner : Mr.M.Gnanasekar

For Respondent-1 : Mrs.Prabhavathi, APP

For Respondent-2 : Mr.Dinesh

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM,J)

We have heard Mr.M.Gnanasekar, learned counsel for the petitioner, Mrs.Prabhavathi, learned Additional Public

Prosecutor appearing for the first respondent and Mr.Dinesh, learned counsel for the second respondent.

2. The petitioner has filed this petition seeking to produce the detainee - his wife by name Vaishali, aged about 27 years before this Court alleging that against her wishes, she has been detained by her father - the second respondent herein.

3. After issuance of notice, the first respondent - Police has produced the detainee before us through video conferencing and we are informed that she is present in E3 Minjur Police Station, Minjur, Ponneri Taluk, Tiruvallur District.

4. During the course of hearing, we interrogated the detainee through video conferencing. However, since a proper assessment has to be made to know the actual wishes of the detainee, we issue the following directions :

The first respondent shall produce the detainee before the Chief Judicial Magistrate, Tiruvallur on 17.6.2020, on which date, the petitioner as well as the second respondent shall be present. Upon questioning, a decision will be taken by the Chief Judicial Magistrate, Tiruvallur in accordance with law and the parties shall abide by the said decision.

5. With the above directions, the above habeas corpus petition is disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

RS/ABR

To

1. The Inspector of Police, E3 Minjur Police Station, Minjur, Ponneri Taluk, Tiruvallur District.
2. The Chief Judicial Magistrate, Tiruvallur.
3. The Joint Secretary to Government Public (Law & Order) Fort St.George, Chennai - 9
4. The Public Prosecutor, High Court, Madras - 104

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RLD(CO)
KKV/17/06/2020