



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1053 of 2020

Karthikeyan

... Petitioner

-vs-

1.The Superintendent of Police,
O/o.District Superintendent of Police,
Opposite to Shanthi Theatre,
Coimbatore - 641 018.

2.The Inspector of Police,
Thudiyalur Police Station,
Thudiyalur, Coimbatore.

3.Sundar Raj

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to direct the respondents herein to produce the body and person of the detinue, petitioner's wife namely Sakthi Tamilini Prabha, aged about 25 years from the illegal custody of the third respondent herein before this Court and set her at liberty.

For Petitioner : Mr.D.Arun

For Respondents Ms.M.Prabhavathi,
Addl. Public Prosecutor
: for R1 and R2
Mr.Vijayendran for R3

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the respondents to produce the body and person of the detinue, petitioner's wife namely, Sakthi Tamilini Prabha, aged about 25 years, from the illegal custody of the third respondent herein before this Court and set her at liberty, the present habeas corpus petition has been filed.



2. The petitioner is stated to be the husband of the detinue. The allegation of the petitioner is that both the petitioner and the detinue belong to different communities and the detinue's father is a recently retired police officer. The detinue was willingly living with the petitioner. By force, she was taken away after assaulting the petitioner and his family members by the family members of the detinue. A case has also been registered in this regard.

3. Now the learned counsel appearing for the private respondent and the learned counsel appearing for the detinue refused the allegations made.

4. The learned Additional Public Prosecutor, on instructions, submits that both the detinue and the petitioner, while giving sufficient police protection by Kottai Police Station, would be produced before the Judicial Magistrate No.I, Trichy. Unfortunately, we are not able to find out the truth either from the petitioner or the detinue in view of the prevailing situation. We also feel that the truth will emanate only when they are enquired in person.

5. In such view of the matter, we direct the respondent police to produce the petitioner and the detinue before the learned Judicial Magistrate No.I, Trichy, on 03.07.2020. The learned Judicial Magistrate No.I, Trichy, is directed to have a personal interaction with both of them in the absence of others and do the needful. We expect the official respondents to give adequate police protection as indicated above in order to avoid any untoward incident. We also expect the officials of the State Government to issue requisite e-pass so as to enable the petitioner to appear before the Judicial Magistrate No.I, Trichy on the date fixed i.e., on 03.07.2020.

6. With the above direction, the habeas corpus petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

raa/mmi/ssm



To

- 1.The Superintendent of Police,
O/o.District Superintendent of Police,
Opposite to Shanthi Theatre,
Coimbatore - 641 018.
- 2.The Inspector of Police,
Thudiyalur Police Station,
Thudiyalur, Coimbatore.
- 3.The Judicial Magistrate No.I,
Trichy.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1053 of 2020

RK(CO)
GMV(01/07/2020)