

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

HCP.No.2010/2020

A.Subramani

..Petitioner

Versus

1. The Superintendent of Police
Dharmapuri District.
2. The Deputy Superintendent of Police
Dharmapuri, Dharmapuri District.
3. The Inspector of Police
Paparapatti Police Station
Dharmapuri District.
4. Manivannan

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 to 3 to produce the body of detainee, wife of the petitioner namely Mrs.S.Annapoorani, D/o.Mr.Muthan [late], aged about 34 years from the illegal custody of 4th respondent before this Court and set her at liberty.

For Petitioner : Mr.R.Prabakar

For RR 1 to 3 : Mr.R.Prathap Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN]

- (1) The petitioner is the husband of the detainee, viz., Mrs.S.Annapoorani, D/o. [late] Muthan, aged about 34 years.
- (2) According to the petitioner, the marriage between him and the detainee was solemnised on 18.01.2004 and out of wedlock, two female and a male child were born and they are now aged about 13, 10 and 14 years respectively. The petitioner would further aver that on 14.02.2020, his wife - detainee herein, left for her parental home and when he went there to take her back, she

was found missing and having become aware of the fact that his mother-in-law, his sister-in-law and his brother-in-law compelled her to go with the 4th respondent, has lodged a complaint on 24.07.2020 on the file of the 3rd respondent.

(3) The learned counsel for the petitioner would submit that in the light of the acts played by the in-laws of the petitioner, his wife continues to be under the illegal custody and detention at the hands of the 4th respondent and hence, prays for appropriate orders.

(4) Per contra, the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3 would submit that it is a case of elopement and on the basis of the complaint given by the petitioner, a case in Crime No.124 of 2020 was registered by the 3rd respondent for 'woman missing' and the investigation is on.

(5) This Court has considered the rival submissions and also perused the materials placed before it.

(6) It prima facie appears to be a case of elopement, though the detainee happened to be a married lady and mother of three children. The 3rd respondent has also acted promptly on the complaint given by the petitioner, by registering a case in Crime No.124 of 2020 on 03.11.2020 for 'woman missing' and the investigation is on.

(7) This Court, in the light of the above facts and circumstances, directs the 3rd respondent to bestow his best attention to the investigation of the case in Crime No.124 of 2020 and shall also periodically inform the progress being made in the said case, to the petitioner. As and when the detainee is traced, the 3rd respondent is directed to produce her before the jurisdictional Court of Judicial Magistrate, Pennagaram, and the said Court, after putting the petitioner on notice, shall pass appropriate orders in accordance with law as to the custody of the detainee.

(8) The Habeas Corpus Petition stands disposed of accordingly.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
Dharmapuri District.
2. The Deputy Superintendent of Police
Dharmapuri, Dharmapuri District.

3. The Inspector of Police
Paparapatti Police Station
Dharmapuri District.

4. The Judicial Magistrate, Pennagaram.

5. The Public Prosecutor
High Court, Madras.

+lcc to Mr.R.Prabakar, Advocate, S.R.No.35835

HCP.No.2010/2020

RV(04/12/2020)



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