

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

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

H.C.P. No. 2409 of 2020

N.Savithiri

... Petitioner

-vs-

1.The Superintendent of Police,
Office of the Superintendent,
Erode District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent,
Sathyamangalam Sub Division,
Erode District.

3.The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam - 638 401.

4.Sathyavathi

5.Gogilavani

6.Sarojini

7.Thulasinathan

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the third respondent to produce the body of petitioner's husband, namely, M.Natarajan, aged 61 years, before this Court and set him at liberty.

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For Petitioner : Mr.MA.P.Thangavel

For Respondents Mr.R.Prathap Kumar,
: Addl. Public Prosecutor
for R1 to R3

ORDER

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

The petitioner, who is stated to be the second wife of the detenu, seeks his custody.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

3.Learned counsel appearing for the petitioner submitted that the detenu was brutally attacked by the third respondent/police. The detenu is ready and willing to be with the petitioner. A criminal complaint is also pending against the private respondents, namely respondents 4 to 7.

4.Learned Additional Public Prosecutor appearing for respondents 1 to 3 while refuting the aforesaid allegations submitted that the detenu is ready and willing to rejoin the petitioner and the same will be facilitated.

5. By way of reply, the learned counsel appearing for the petitioner submitted that there is a threat exerted by the third respondent/Inspector of Police stating that the petitioner would face a dire consequence. It is this respondent who attacked the detenu and injured him. The learned counsel submitted that the petitioner may be permitted to rejoin with the detenu in the presence of the first respondent/Superintendent of Police.

6.Considering the submissions made and without going into the allegations, we direct respondents 2 and 3 to facilitate the joining of the detenu with the petitioner in the office of the Superintendent of Police/first respondent at 10.00 a.m. on 16.12.2020.

7.In view of the above, the habeas corpus petition stands closed, provided the detenu is willing to do so. Needless to state that if the allegations, as stated by the learned counsel appearing for the petitioner are true, the first

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respondent/Superintendent of Police, shall initiate appropriate action against the third respondent. We are not issuing notice to the private respondents, namely respondents 4 to 7, in view of the submissions made by the learned Additional Public Prosecutor that the detenu is ready and willing to join the petitioner.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Police,
Office of the Superintendent,
Erode District.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent,
Sathyamangalam Sub Division,
Erode District.

3.The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam - 638 401.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Ma.Pa.Thangavel, Advocate SR.40802

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BP (CO)
CB (15/12/2020)

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