



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.5729 of 2020

WEB COPY

Rajiya Begam

... Petitioner

Vs

1.The Superintendent of Police,
Office of District Police Superintendent,
Thanjavur.

2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur.

3.Raja Mohammed

4.Faamilaparveen Banu @ Chellakani

5.Howrath Nisha

... Respondents

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, praying to direct the respondents 1 and 2 to produce the body or person of the detainee namely Hamethul Ashik, husband of Rajiya Begam, the petitioner herein, aged about 29 years, before this Hon'ble Court and set him at liberty.

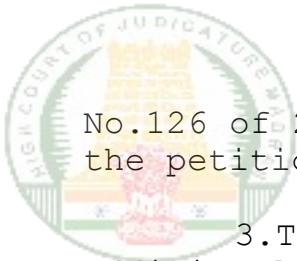
For Petitioner : M.P.Yasmin Begum

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
for R1 & R2

ORDER

This petition is filed for a direction to the respondents 1 and 2 to produce the body or person of the detainee namely Hamethul Ashik, husband of the petitioner herein before this Court and set him at liberty. According to the petitioner, her husband is in illegal custody of his family members at Chennai and her in-laws are not permitting her to live with his husband and the life and limb of her husband is stained at the hands of her in-laws and therefore, she has moved this petition.

2.When the matter is taken up for hearing today, the learned Additional Public Prosecutor, on instructions, submits that on the complaint of the petitioner, the Sub-Inspector of Police, Swamimalai Police Station treated the complaint as petition enquiry in CSR



No.126 of 2020 and after enquiry, closed the said complaint advising the petitioner to approach the Tanjore Police Station.

3.This Court, on the earlier occasion, directed the Additional Public Prosecutor to ascertain whether the alleged detainee Hamethul Asik is actually detained or on his own accord left the matrimonial home. As per the direction of the learned Additional Public Prosecutor, the Sub-Inspector of Police attached to the second respondent contacted the alleged detainee Hamethul Asik in his mobile Phone No.9150372118 and the audio conversation between the Sub-Inspector of Police and the petitioner's husband were also recorded and played before this Court. The petitioner's husband/detainee, in a categorical term, stated that on his own accord, he left the matrimonial home and he is not willing to live with the petitioner.

4.In view of the developments, this Criminal Original Petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Office of District Police Superintendent,
Thanjavur.
- 2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SPU (22.06.2020) 2P-4C