



WEB COPY

H.C.P.(MD) No.926 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.926 of 2020

Dinesh Mani

... Petitioner/Husband of the detenue

-vs-

- 1.The Commissioner of Police
Madurai Corporation City Limit
Madurai District, Madurai
- 2.The Assistant Commissioner of Police
Madurai Corporation City Limit
(Law and Order)
Anna Nagar,
Madurai District, Madurai
- 3.The State rep.by
The Inspector of Police
(Law and Order)
Theppakulam Police Station
Madurai District
- 4.Sonai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing 2nd and 3rd respondents herein to produce the body or person of detenue viz. Deepika, daughter of Sonai, aged about 20 years, before this Court and set her at liberty on the basis of the petitioner representation, dated 28.09.2020.

For Petitioner : Mr.G.Kannan

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor
for R1 to R3



O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 2 and 3 to produce his wife, namely, Deepika, daughter of Sonai, aged about 20 years, before this Court and set her at liberty.

2. It is the case of the petitioner that he married the detinue Deepika on 24.11.2019 and it was a love marriage. When both of them were living together happily, on 18.01.2020, the family members of the detinue trespassed into his house and took her in a Car. It is further stated that on 17.03.2020, the detinue made a call to the petitioner and said that she was illegally detained by his family members and they are trying to abort the fetus. According to the petitioner, despite registration of C.S.R.No.138 of 2020, no action was taken by the respondent Police.

3. When the matter is taken up for hearing, Mr.R.Anandharaj, learned Additional Public Prosecutor, submitted that based on the complaint lodged by the petitioner, a case in Crime No.727 of 2020 was registered on 31.05.2020 by the third respondent. During the course of investigation, on 27.09.2020, the detinue appeared before the third respondent and gave a statement to the effect that due to the harassment from the petitioner's family, she had gone to her uncle's house and not interested to go with the petitioner. Further, the petitioner also gave a statement on 27.09.2020 to the effect that in view of the statement of the detinue, he does not want to pursue the complaint. Subsequently, after completion of enquiry, the detinue was sent along with her father / fourth respondent herein and the criminal case was also closed as "Action Dropped". In support of his contentions, the learned Additional Public Prosecutor has produced copies of the statement of the parties and the Action Dropped report of the third respondent.

4. In the light of the above facts, we are of the considered opinion that no further adjudication is required in this habeas corpus petition and the same is, therefore, closed. However, liberty is given to the petitioner to workout his remedy in the manner known to law.

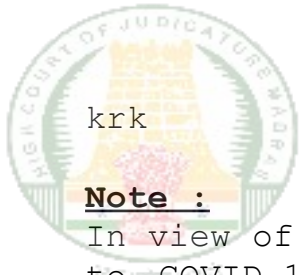
Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Commissioner of Police,
Madurai Corporation City Limit,
Madurai District, Madurai.
- 2.The Assistant Commissioner of Police,
Madurai Corporation City Limit,
(Law and Order),
Anna Nagar,
Madurai District, Madurai.
- 3.The Inspector of Police,
(Law and Order),
Theppakulam Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. PANDIYARAJAN, Advocate (SR-21811[F] dated 11/11/2020)

H.C.P. (MD) No.926 of 2020
10.11.2020

ARK(CO)
TR(24.11.2020) 3P 6C