



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.1055 of 2020

Latha Ramachandran : Petitioner/Sister of the detenu

-vs-

1. The State of Tamil Nadu,
Rep.by its Inspector of Police,
Muneerpalam Police Station,
Thirunelveli District.

2. The Commissioner of Police,
Thirunelveli District,
Thirunelveli

3.Dr.B.Ayyappan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person the petitioner's brother K.Baskaran, son of Karmegam, aged about 50 years, the detenu herein before this Court and set him at liberty.

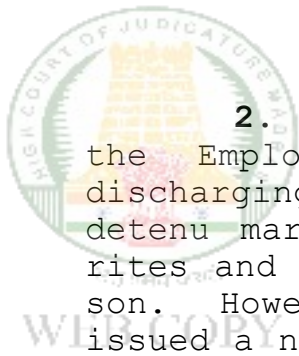
For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

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

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 1 and 2 to produce her brother, namely, Baskaran, son of Karmegam, aged about 50 years, before this Court and set him at liberty.



2. The petitioner would state that the detenu is working in the Employees Provident Fund Organization and he has been discharging his duties as Officer of the said Statutory Body. The detenu married one K.Subbalakshmi on 09.09.1992 as per the Hindu rites and customs and during the wedlock, they were blessed with a son. However, due to difference of opinion, the said Subbalakshmi issued a notice, dated 17.01.2020, seeking divorce from her husband by mutual consent, which was refused by the detenu.

3. The petitioner would allege that the said Subbalakshmi, in collusion with the third respondent, trespassed into the EPF Staff Quarters at Tirunelveli and kidnapped the detenu and now, he is illegally detained in the third respondent's Hospital and the petitioner was not permitted even to visit the detenu. In this regard, the petitioner gave a complaint to the respondent Police on 26.03.2020. Since no action was taken by the respondent - Police, the present habeas corpus petition.

4. Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor for the respondents 1 and 2 and perused the materials available on record.

5. When the matter was taken up for hearing, the detenu along with his wife Subbalakshmi appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, Subbalakshmi would state that her husband / detenu was suffering from depression even before their marriage. Since it was revealed to her subsequently and by that time, she became pregnant, she decided to live with the detenu. It is further stated that the detenu has been taking regular treatment with Dr.Balagurusamy, who is the father of the third respondent Dr.B.Ayyappan. She would further state that the detenu used to go to his sisters' house at Madurai and Chennai and since he was not inclined to continue his service, he wanted to retire from service. However, the proposal of the detenu was objected to by her not on the ground of financial loss, but on the ground of his health condition, because if he goes to Office, he may get some relaxation. Since it was not accepted by the detenu, she chose to issue a notice for divorce and it was not pursued subsequently. She would further state that now she is staying in Tirunelveli and taking care of the detenu and because of his mental illness, the detenu is frequently admitted in the third respondent's Hospital and the Doctor advised her not to disturb him and visitation is also restricted.

6. When we enquired the detenu Baskaran, he would state that he is living happily with his wife and without his wife, he cannot live even for a single day.



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7. In the light of the above submissions of the detenu Baskaran and his wife Subbalakshmi, we find no merit in the habeas corpus petition and the same is dismissed as devoid of merits.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2021

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.

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To:

1. The Inspector of Police,
Muneerpalam Police Station,
State of Tamil Nadu,
Thirunelveli District.
2. The Commissioner of Police,
Thirunelveli District,
Thirunelveli.

Copy to: The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1055 of 2020
15.12.2020

SRK(CO)
CS(06.01.2021) 3P 4C