

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1433 of 2021
and Crl.M.P.No.852 of 2021

Santhakumar

... Petitioner

Vs.

1. The Inspector of Police, AVS II
R-5, Virugambakkam Police Station,
Chennai - 92.
(Crime No.6 of 2021)
 2. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower II, 2nd Floor, Egmore, Chennai.
 3. The Superintendent,
Government Home for Women,
Mylapore, Chennai 600 004
 4. Jothi
- ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the 2nd respondent to file a report pertaining to the detention of the detainee by name Jothi and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose of the Criminal MP No.16 of 2021 in Crime No.06 of 2021 on the file of 1st respondent as expeditiously.

For Petitioner : Mr.J.William Shakesphere
For R1 to R3 : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

WEB COPY
O R D E R

This petition has been filed by the husband of the detainee seeking for release of the detainee, who is now detained before the 3rd respondent Government Home for Woman.

2 The first respondent registered an FIR in Crime No.06 of 2021 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the husband of the fourth respondent. The petitioner's wife namely Jothi was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her

as a victim and she was detained in the home on 09.01.2021.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.16 of 2021 before the Court below seeking for the release of the petitioner's wife and the same is kept pending on the ground that the P.O report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4 The learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in CrI.O.P.No.29421 of 2019, CrI OP No.2525 of 2019, CrI OP No.8202 of 2019 and CrI OP No.8733 of 2019, wherein this Court has dealt with an issue of similar nature.

5 Taking into consideration the earlier order passed by this Court and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The petitioner before taking his wife namely the 4th respondent from the home, shall produce necessary evidence to show his relationship with the 4th respondent. The 4th respondent on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6 This Criminal Original Petition is disposed of, with the above direction. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police, AVS II
R-5, Virugambakkam Police Station,
Chennai - 92.
2. The IV Metropolitan Magistrate,
Saidapet, Chennai.
3. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower II, 2nd Floor,
Egmore, Chennai 600 008.

4. The Superintendent,
Government Home for Women,
Mylapore, Chennai 600 004

5. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.O.P.No.1433 of 2021
and Crl.M.P.No.852 of 2021

AK (CO)
GN (02/02/2021)



WEB COPY