

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

HCP.No.501 of 2021

P.Venugopal

...Petitioner

-vs-

1. The Commissioner of Police,
City Crime Branch,
Commissioner of Police Campus,
Vepery, Chennai-600 007.

2. The Inspector of Police,
H4 Korrukupet Police Station,
Chennai-600 021.

3. D.Venkateswarulu

4. T.D.Saraswathy

5. S.Kowsalya

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to trace the elder sister of the petitioner, namely, Mrs.V.Jeyalaxmi, aged about 54 years and produce her before this Court and set her at liberty.

For Petitioner : Mr.P.Venugopal,
Party-in-person

For Respondents: Mr.R.Prathap Kumar
1 and 2 Additional Public Prosecutor

ORDER

(Order of the Court was pronounced by T.RAJA, J.)

The Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to secure the elder sister of the petitioner, namely, Mrs.V.Jeyalaxmi, aged about 54 years and produce her before this Court and set her at liberty.

2. Mr.P.Venugopal, Party-in-person submitted that he, being an Advocate, is practicing before this Court and all Subordinate Courts in and around Tamilnadu for the past 12 years whereas his elder sister, namely, the detainee Mrs.V.Jeyalaxmi is

also an Advocate and after she got married to one Mr.D.Venkateswarulu, the 3rd respondent herein, the husband of the detainee, she has given birth to three daughters. While so, due to some matrimonial dispute between the detainee and her husband, 3rd respondent herein, she left her matrimonial home. But when the problems were going beyond their hands, she also filed D.V.C.No.1/2018 before the learned XV Metropolitan Magistrate, George Town, Chennai for protection order, maintenance, return of articles and for interim injunction against the 3rd respondent and also filed an application seeking interim maintenance for payment of Rs.7,000/- p.m.

3. The Party-in-person for the petitioner further submitted that during the period of litigation, the petitioner has provided full protection, basic amenities and all the required things to his sister, namely, detainee Mrs.V.Jeyalaxmi for saving her life. While so, during the proceedings before the learned XV Metropolitan Magistrate, the 3rd respondent disturbed the court proceedings for which she filed a Transfer Petition before the XV Metropolitan Magistrate, George Town, Chennai, seeking to transfer the D.V.C.No.1/2018 to the Additional Mahila Court and after enquiry, the said Transfer Petition was allowed. In the meanwhile, the 3rd respondent, husband of the detainee has given life threat to the petitioner and his family members and also to the detainee, the wife of the 3rd respondent. In view of that, when the petitioner family was taking efforts to take care and custody of the detainee, she has been missing. Since the whereabouts of the detainee Mrs.V.Jeyalaxmi was not known, the petitioner has given a complaint on 23.03.2021 to the 1st and 2nd respondents for which no action has been taken so far. Hence the present Habeas Corpus Petition has been filed, it is pleaded.

4. Opposing the above prayer, learned Additional Public Prosecutor urging this Court to dismiss the petition stated that on enquiry made by the 2nd respondent herein, the Inspector of Police, H4 Korrukupet Police Station, Chennai, it was found that the detainee Mrs.V.Jeyalaxmi is safely and comfortably staying with her second daughter Lavanya at Krishnagiri and without ascertaining and verifying the said fact from the detainee's family members, the petitioner has rushed to this Court.

5. Under such circumstances, we are of the view that the petitioner, being a practicing lawyer, should be very careful and cautious in dealing with this type of matters. It is not known why he has not taken any steps to ascertain the whereabouts of the detainee Mrs.V.Jeyalaxmi, his elder sister from the family members of the detainee, when the 2nd respondent found that the detainee Mrs.V.Jeyalaxmi has been staying with her 2nd daughter Lavanya comfortably and safely in Krishnagiri Town. Therefore, we find no merit in the Habeas Corpus Petition, as there is no illegal detention.

6. In the result, the Habeas Corpus Petition fails and the same is accordingly dismissed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
City Crime Branch,
Commissioner of Police Campus,
Vepery, Chennai-600 007.
2. The Inspector of Police,
H4 Korrukupet Police Station,
Chennai-600 021.
3. The Public Prosecutor,
High Court, Madras.

HCP.No.501/2021

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