

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.673 of 2021

E.Nagaraj
S/o.Elumalai
No.127, Jayalakshmi Nagar
Minjur,
Thiruvallur District - 601 203.

.. Petitioner

Vs.

1.The Deputy Commissioner of Police,
Ambattur (Range),
Chennai.

2.The Assistant Commissioner of Police,
Ambattur Estate,
Ambattur, Chennai.

3.The Inspector of Police,
Ambattur Estate Police Station,
Ambattur, Chennai.

4.Shankar,
Residing at No.46/33,
Pillaiyar Kovil Street,
Kadankuppam, Ambattur, Chennai.

5.Manoj
C/o Sankar,
Residing at No.46/33,
Pillaiyar Kovil Street,
Kadankuppam, Ambattur, Chennai.

6.Manoj's father-in-law
C/o Shankar,
Residing at No.46/33,
Pillaiyar Kovil Street,
Kadankuppam, Ambattur, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 3rd

respondent to produce the detenus 1 to 8 : 1) Kamesh, aged about 39 years, son of Kothandam, 2) Lalitha, aged about 2 years, daughter of Nagaraj, 3) Powshika, aged about 6 years, daughter of Kamesh, 4) Bavsh, aged about 3 years, son of Kamesh, 5) Mallika, aged about 56 years, wife of Kothandam, 6) Magesh, aged about 36 years, son of Kothandam, 7) Nithiya, aged about 32 years, wife of Magesh, and 8) Sathish, son of Kothandam, in person or body before this Court against the petitioner's complaint dated 15.03.2021 and set them at liberty.

For Petitioner : Mr.M.Soundar Vijay Arul Ram

For RR 1 to 3 : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 3rd respondent to produce the detenus 1 to 8 : 1) Kamesh, aged about 39 years, son of Kothandam, 2) Lalitha, aged about 2 years, daughter of Nagaraj, 3) Powshika, aged about 6 years, daughter of Kamesh, 4) Bavsh, aged about 3 years, son of Kamesh, 5) Mallika, aged about 56 years, wife of Kothandam, 6) Magesh, aged about 36 years, son of Kothandam, 7) Nithiya, aged about 32 years, wife of Magesh, and 8) Sathish, son of Kothandam, in person or body before this Court against the petitioner's complaint dated 15.03.2021 and set them at liberty.

2. It is the case of the petitioner that the respondents 4, 5 and 6 are keeping his daughter Lalitha and her family members in illegal detention and that the police are not taking effective steps to secure them.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a petition enquiry in Ambattur Estate Police Station C.S.R.No.215 of 2021 dated 15.03.2021 was conducted and during the course of enquiry, it came to light that the petitioner had borrowed a sum of Rs.30 lakhs and 50 sovereigns of gold from his son-in-law Kamesh and cheated him; that apart, the petitioner's daughter Lalitha had filed W.P.No.7985 of 2021 in this Court alleging that at the instance of her father Nagaraj, petitioner herein, the police are harassing her and her family members; Lalitha has also filed a suit in O.S.No.1464 of 2021 before the District Munsif Court, Ambattur, against Nagaraj, petitioner herein.

4. The learned Additional Public Prosecutor furnished the mobile number of Lalitha, 9025700976 and when we contacted this

mobile number, Kamesh attended the call and told us clearly that they are being harassed by the petitioner and now they are in Bengaluru.

5. It is seen that on account of COVID - 19 situation, there is total lock down in Karnataka. In such view of the matter, we do not find that there is any illegal detention of Kamesh, Lalitha and their family members, as alleged by the petitioner.

Hence, this habeas corpus petition is dismissed with cost of Rs.25,000/- payable by the petitioner to the credit of the Chief Minister's Public Relief Fund.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Deputy Commissioner of Police,
Ambattur (Range),
Chennai.

2.The Assistant Commissioner of Police,
Ambattur Estate,
Ambattur, Chennai.

3.The Inspector of Police,
Ambattur Estate Police Station,
Ambattur, Chennai.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

5.The Joint Secretary to Govt and Treasurer
Chief Minister's Public Relief Fund,
Finance(CMPRF) Dept.,
Govt of Tamil Nadu,
Secretariat, Chennai-600 009.

H.C.P.No.673 of 2021

SS(CO)
CB(30/06/2021)