



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.424 of 2021

WEB COPY

Bakkiyaraj

... Petitioner

-vs-

1.The Superintendent of Police,
Dindigul,
Dindigul District.

2.The Sub-Inspector of Police,
Kujiliyamparai Police Station,
Dindigul District.

3.Janakiraman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents to produce the persons or their body namely, Rajalakshmi, W/o Bakkiyaraj, female, aged about 31 years Manivasan, S/o Bakkiyaraj, male, aged about 13 years and Nivetha, D/o Bakkiyaraj, female, aged about 7 years before this Court and set them at liberty forthwith.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.K.Dinesh Babu

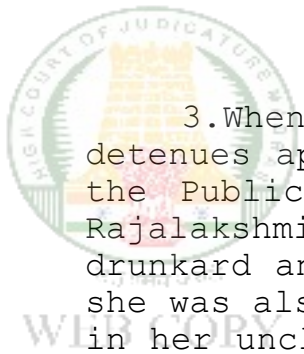
Additional Public Prosecutor (for R1 and R2)

O R D E R

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

This habeas corpus petition has been filed for a direction to the respondents to produce the petitioner's wife Rajalakshmi, aged about 31 years and his son, Manivasan, aged about 13 years and his daughter Nivetha, aged about 7 years before this Court and set them at liberty.

2.The petitioner would state that he is Tailor by profession and he married the first detenu Rajalakshmi and they have two children, however, the detainees are found missing from 26.01.2021. It is also alleged that the first detenu has developed illicit intimacy with the third respondent. Despite a complaint and registration of the case by the third respondent in Crime No.37 of 2021, no action was taken to secure the detenu. Hence, the present petition.



3. When the matter is taken up for hearing today, all the detainees appeared before this Court through video conferencing from the Public Prosecutor's Office. On enquiry, the first detainee Rajalakshmi would state that her husband, the petitioner herein is a drunkard and he suspected her virginity and he is torturing her and she was also assaulted by the petitioner, hence, now she is residing in her uncle's house at Dindigul. The first detainee further stated that the third respondent is her close relative and she does not have any illicit intimacy as alleged by the petitioner. The detainees 2 and 3 also stated that they are not willing to reside with the petitioner.

4. In the light of the above statements, we find no merit in the habeas corpus petition, hence, the same is dismissed.

Sd/-

Assistant Registrar (AS)

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/ /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.

To

1. The Superintendent of Police,
Dindigul,
Dindigul District.
2. The Sub-Inspector of Police,
Kujiliyamparai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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