



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.302 of 2022

K.Natarajan
S/o.Kalyana Raman

.. Petitioner

Vs.

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

2.The Inspector of Police,
(Law and Order),
Chidambaram Town Police Station,
Cuddalore District.

3.Srivani
W/o.Kribakaran

4.Kribakaran

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to produce the petitioner's wife Dayamani, aged 24 years, from the illegal custody of the respondents 3 and 4 before this Court and set her at liberty.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondents : Mr.R.Muniyapparaj

Additional Public Prosecutor [R1 & R2]

Mr.Bejjam Raju [for detenue]

ORDER

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

This petition has been filed seeking a direction to respondents 1 and 2 to produce the petitioner's wife Dayamani, aged 24 years, from the illegal custody of the respondents 3 and 4 before this Court and set her at liberty.



2. Today, when the matter is taken up for hearing, Mr.K.Natarajan [petitioner], his parents Kalyanaraman and Yogambal are present. Dayamani is also present along with her counsel Mr.Bejjam Raju. Mr.S.Murali, Special Sub-Inspector of Police, Chidambaram Town Police Station, Cuddalore District [Mobile No.94981 54087] is present.

3. On 15.03.2022, we passed the following order:

"For the sake of convenience, the parties will be referred to by their names.

2. The facts admitted by Natarajan and Dayamani are as under:

2.1 Natarajan and Dayamani hail from Chidambaram in Tamil Nadu and Nellore in Andhra Pradesh, respectively. When Natarajan was studying B.E. in Sairam Engineering College at Tambaram, sometime in the year 2015, he met Dayamani and both of them fell in love with each other.

2.2 Dayamani left her parents and she was given asylum in Chidambaram by Natarajan's parents. After Natarajan completed his B.E. degree, the parents of Natarajan solemnized his marriage with Dayamani on 23.08.2018. Dayamani's parents were not invited for the marriage, as they were not agreeable for the same.

2.3 Dayamani became pregnant sometime in March 2021. Against the wishes of Natarajan, she decided to go to her parental home in Nellore for delivery. However, Natarajan's parents performed the baby shower ceremony on 13.08.2021, after which, Dayamani went to Nellore for delivery. The tentative date of delivery was determined as first week of December. However, on 02.12.2021, Natarajan was informed by the relatives of Dayamani that the baby died in the womb resulting in a miscarriage.

2.4 It is the grievance of Natarajan and his family members that Dayamani and her family members did not even show the stillborn baby to them and therefore, they started suspecting the version of Dayamani and her family members.

2.5 Since Dayamani did not rejoin Natarajan, the present habeas corpus petition has been filed by Natarajan on the allegation that Dayamani is in the illegal custody of her sister Srivani and brother-in-



law Kribakaran.

3. It may be pertinent to state here that Dayamani's father Narayanan died on 21.12.2020 and her mother Yasodha is living with her younger brother Vijayakumar in Nellore.

4. Today, P.Pradha (Mobile No.9498154567), Grade-I Police Constable, Chidambaram Town Police Station, Cuddalore District, is present.

5. On the directions of this Court, today, the second respondent/police produced Dayamani before us.

6. We heard the versions of Natarajan and Dayamani and felt that they should be sent to Mediation Centre, High Court of Madras, for talks and accordingly, Dayamani and Natarajan had one to one and frank talks in the Mediation Centre and they have now come up with a proposal that they would join together by burying the hatchet.

7. However, the parents of Natarajan, who were heard via whatsapp video call, still doubted about the version of Dayamani that the baby was stillborn on 02.12.2021.

8. When this was brought to the notice of Dayamani, she stated that the stillborn baby was buried in the village itself and there is no death certificate for it.

9. In order to put this controversy to rest, we are of the opinion that it will be in the interest of justice, if a direction is given to the second respondent/police to take the help of the local police and revenue officials, conduct an enquiry with regard to the version of Dayamani that the stillborn baby was born to her on 02.12.2021 and file a report to this Court.

10. Dayamani stated that the miscarriage happened in her mother's house in Jagadevipeta Colony, Indhukurapettah, Mahadalam, Lebur Bit, Andhra Pradesh - 624 314. She gave her mobile number as 7305614993 and her mother's mobile number as 9866153554. She further stated that she would cooperate with the second respondent/police and even accompany the second



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respondent/police to Indhukurapettah, so that, all doubts will be put to rest.

11. The Superintendent of Police, Cuddalore District, may coordinate with his counter part in Nellore and make arrangements for the second respondent/police to conduct enquiry and file a report as to whether Dayamani gave birth to a stillborn baby on 02.12.2021.

12. We place on record our appreciation to the office of the Public Prosecutor and Tamil Nadu Mediation Centre, for bringing about a settlement between Natarajan and Dayamani.

13. Natarajan stated that since he is staying in a men's hostel in Poonamallee and employed in Thuraipakkam, he may not be able to provide lodge for Dayamani and so, she should go to Chidambaram and be with his parents, for which, Dayamani also agreed. Dayamani gave an undertaking that she will not cause any disturbance to her parents-in-law at Chidambaram and will start a lease of life afresh.

For further proceedings, post the matter on 18.04.2022."

4. Pursuant to the above, the Inspector of Police, Law and Order, Chidambaram Town Police Station, conducted a detailed enquiry and has filed a report dated 18.04.2022, wherein it is stated as follows:

"2. I humbly submit that, in strict compliance of the order of this Hon'ble Court, I along with Head Constable 215 Mr.Ramesh Kumar and Head Constable 1971 Mr.Senthil Kumar went to Jagadevipet village of Indukurpet Mandal, on 11-04-2022 wherein Mr.Pydi Dayamani resides with her mother and sister. I took the help of local police also. One Mr.Anand, Sub-Inspector of Police of Indukurpet Police Station along with other police personnel of that police station also accompanied me to the spot.

3. I humbly submit that I enquired in that locality about pregnancy of Mrs.Pydi Dayamani (detenue in this case) and subsequent delivery and death of her child. I enquired one Alladi Amaravathi w/o.Balasubramanian (an "Asha" worker) who is a resident of that village and recorded her statement. Gist of the statement given by her is that Pydi



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Dayamani made a phone call to her on 28-06-2021 and requested Alladi Amaravathi to enter her (Pydi Dayamani) name in the pregnant list and that Alladi Amaravathi entered the name of Pydi Dayamani in ANC/PNC Immunization Register. Further more, Alladi Amaravathi stated that Pydi Dayamani did not take any Government medicine and Immunization food which is usually given to pregnant women. Alladi Amaravathi further stated that she did not know Pydi Dayamani's pregnancy, subsequent delivery and death of the baby.

4. I humbly submit that I enquired one Nallagatla Vijayalakshmi w/o.Papaiah, who is working as Government Mahila police at Leburu Bit-2 (Jagadevipet village). She stated that she did not know anything about the stillborn baby of Pydi Dayamani and the subsequent cremation at Jagadevipet SC colony burial ground. Likewise, I enquired one Shaik Fyroz w/o.Khaja Rahamtullah, who is working as a village volunteer at Leburu Bit-2 (Jagadevipet village). She stated that she did not see Pydi Dayamani during her pregnancy and that she did not know anything about death and cremation of the stillborn child of Dayamani. I enquired one Mr.Shaikhkhadar Masthar, who is working as Village Revenue Officer at Laburu Bit-2 (Jagadevipet village). He also claimed to have no knowledge about Pydi Dayamani, her marriage, pregnancy, death and cremation of the stillborn baby of Pydi Dayamani. I have herewith enclosed statements recorded from these above mentioned four persons, for kind perusal of this Hon'ble court. Except these four persons no other person in that village was willing to give statements/oral accounts about their knowledge of pregnancy of Pydi Dayamani and the subsequently alleged events.

5. I humbly submit that subsequently, when I asked Pydi Dayamani to identify the spot where she allegedly buried the child, she took us to Jagadevipet SC colony burial ground and showed us a spot, wherein there was small pit 1 foot in length, breadth and depth. She said that the child was buried there and that some animal would have subsequently dug the pit and taken away the body of child. I herewith enclose photo of the pit showed to us by Pydi Dayamani, for kind perusal of this Hon'ble court.



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6. I humbly submit that on enquiry, no other person, except Pydi Dayamani and her mother and sister, claimed that they were aware that she was pregnant, that her stillborn child died and that the child was buried in Jagadevipet SC colony burial ground. Thus I conducted the enquiry as directed by this Hon'ble Court in letter and spirit and submit this report for kind perusal of this Hon'ble Court."

5. From the above report, we find that the police have conducted a thorough investigation and came to a definite opinion that Dayamani was not able to produce materials to show that she was pregnant, she delivered a stillborn baby and it was buried in Jagadevipet SC colony burial ground. Thus, there appears to be a serious doubt in the assertion of Dayamani that she suffered a miscarriage and the suspicion entertained by the parents of Natarajan is not totally unfounded.

6. We place on record our appreciation to the Inspector of Police, Chidambaram Town Police Station, for the manner in which, he has conducted the enquiry in this regard.

7. Coming to the illegal detention of Dayamani, we asked her whether she is in the illegal custody of anyone for which, she stated in the negative. In such view of the matter, no writ of habeas corpus can be issued.

Accordingly, this Habeas Corpus Petition is closed with liberty to the parties to work out their remedies in the manner known to law.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Gm

To

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

2.The Inspector of Police,
(Law and Order),
Chidambaram Town Police Station,
Cuddalore District.



3.The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.G.Senthil Kumar, Advocate SR.No.26074
+2cc to Mr.Bejjam Raju, Advocate SR.No.26789

H.C.P.No.302 of 2022

NMI (CO)
GN(05/05/2022)