



H.C.P.No.77 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

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CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.77 of 2023

Boopathi @ Prabakaran
S/o.Manikkam

.. Petitioner

Vs.

1. State by
The Superintendent of Police
Erode District
Erode - 638 002.
2. The Inspector of Police
Perundhurai Police Station
Erode District - 638 052.
3. Manikkam
Vijayamangalam Village
Varappalayam
Erode District.
4. Karthik
Vijayamangalam Village
Varappalayam
Erode District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus for a direction to the respondents to produce the petitioner's wife namely Monisha (aged 19 years) who are illegally detained by respondents 3 and 4 before the Hon'ble Court and set her at liberty.

For Petitioner : Mr.P.Pugalenth
For R1&R2 : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

The petitioner claiming to be the husband of detainee Monisha filed this petition seeking a direction to the respondents to produce the detainee Monisha alleging illegal detention by the respondents 3 and 4.

2. The submissions of the learned counsel for the petitioner is that the petitioner and the detainee were in love with each other for some time. On 01.12.2022, they got married at Makudeswarar Temple, Kodumudi. On 15.12.2022, the parents of detainee Monisha informed her that the third respondent who is father of the detainee was not feeling well and he wants to see the detainee. Thereafter, the detainee went to visit her father and not returned. Despite several attempts, the petitioner was not able to trace out



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the detinue and the petitioner apprehends that the third and fourth respondents illegally detained her. Hence, the petitioner sent a representation dated 04.01.2022 to respondents 1 and 2 to secure and handover the detinue to him. Since no action taken, the present Habeas Corpus Petition is filed before this Court.

3. Today, the detinue Monisha is produced by the Inspector of Police, All Women Police Station, Perundurai, who is the second respondent herein.

4. Learned Additional Public Prosecutor on behalf of State of Tamil Nadu submits that earlier the detinue lodged a complaint on 02.01.2023 stating that the petitioner had falsely projected that he is single, doing poultry business and married her, subsequently she was harassed by the petitioner. It came to the knowledge of the detinue that the petitioner involved in several criminal cases and already married, having seven years old daughter. Hence, coming to know about the antecedents she left the petitioner, lodged a complaint and the same was registered in CSR.No.6 of 2023.

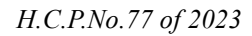
5. On interaction with the detinue, it was found that she is studying



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B.Com at Vasavi College, Chithode, Erode District. She reiterated that a complaint was lodged to Soorampatti Police Station on 06.12.2022. At that time, the police informed her that the petitioner was involved in several cases, including murder case, NDPS case and chain snatching cases. Thereafter, on her own will, she joined her parents. She further stated that she is living with her parents from 06.12.2022. The petitioner was harassing and threatening the detinue and her family members forcing the detinue to come and live with him. On 01.01.2023 i.e., New Year Day, the petitioner came to the house of grandmother of the detinue, bursted crackers, fire broke out, damages caused to properties. Hence, she apprehends threat for her life and security at the hands of the petitioner. It is further stated by the detinue that, petitioner suppressed earlier marriage and a girl child born out of the said wedlock. The detinue is firm determined to live with her parents and to continue her education.

6. Since the detinue, who is a major not willing to join the petitioner, who is also present before this Court, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition. Learned counsel



7. In view of the apprehension made by the detainee Monisha, the Inspector of Police, Perundurai Police Station as well as Inspector of Police, Chithode Police Station are directed to be alive of the situation and to provide adequate security to the detainee.

(M.S.,J.)

(M.N.K.,J.)

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
mk

M.SUNDAR, J.,



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To

1. The Superintendent of Police
State
Erode District
Erode - 638 002.
2. The Inspector of Police
Perundhurai Police Station
Erode District - 638 052.
3. The Public Prosecutor
High Court, Madras.



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and
M.NIRMAL KUMAR, J.,

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