



WEB COPY



H.C.P.No.1352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1352 of 2023

P.Sundaram

.. Petitioner

Vs.

1. The Superintendent of Police
Office of the Superintendent of Police
Coimbatore

2. The State rep. By Inspector of Police
Peelamedu Police Station
Coimbatore

3. V.Chelladurai

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ order or direction in the nature of WRIT OF HABEAS CORPUS directing 2nd respondent to produce the petitioner's wife xxxx aged 28 years and 2mnths before this Court from the custody of the 3rd respondent and set her at liberty.

For Petitioner

: Mr.A.Mazar
for Mr.Vasanthakumar

Page Nos.1/6



WEB COPY



H.C.P.No.1352 of 2023

For Respondents

: Mr.E.Raj Thilak

Addl. Public Prosecutor for R1 and R2

Mr.A.M.Esakiappan for R3

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the first listing on 25.07.2023, which reads as follows:

'When the matter was taken up, Mr.A.Mazar, learned counsel representing the counsel on record for petitioner submitted that the petitioner and third respondent's daughter Selsiya got married on 14.06.2023 in a Temple. Learned counsel is not aware of either name of the Temple or where the Temple is situate. Be that as it may, learned counsel says that the petitioner and third respondent's daughter left for Delhi on 26.06.2023 whereas a complaint dated 08.07.2023 addressed to Superintendent of Police, Coimbatore appears to suggest that they



left for Delhi on 15.06.2023 and returned to Coimbatore on 26.06.2023 when there was an alleged abduction.

2. Faced with the above situation, learned counsel sought for a short accommodation to acquaint himself fully with the facts and come before this Court so that he will be in a position to assist this Court.

3. List on Tuesday. List on 01.08.2023.'

3. To be noted, thereafter there was one more listing on 01.08.2023 when the captioned matter was re-notified.

4. Today, the petitioner, learned counsel representing the counsel on record for petitioner Mr.A.Mazar, Mr.E.Raj Thilak, learned Additional Public Prosecutor (instructed by Mr.S.Petchimuthu, Sub-Inspector of Police, Peelamedu Police Station and Mr.R.Anantha Kumar, Sub-Inspector of Police, Mahalingapuram Police Station)) on behalf of Respondents 1 and 2 [official respondents], third respondent and learned counsel Mr.A.M.Esakkiappan (Enrollment No. 2901/2007) with address for service at No.3, Ground Floor, Frontline Apartments, Kodambakkam, Chennai – 600 024 representing the third respondent are before us. This Court is



H.C.P.No.1352 of 2023

informed that the absentee (petitioner's wife and third respondent's daughter) is also present in Court.

5. Without going into the issue regarding dates about which learned counsel for petitioner did not have clarity in the first listing, we deem it appropriate to dispose of the captioned HCP by directing all the parties i.e., petitioner, third respondent and absentee to be produced before learned Judicial Magistrate I, Coimbatore on 16.08.2023. We make it clear that it shall be the responsibility of Station House Officers of Mahalingapuram Police Station, Pollachi, Coimbatore District and Peelamedu Police Station, Coimbatore City to ensure that petitioner, third respondent and absentee are produced before Judicial Magistrate I, Coimbatore on 16.08.2023. This Court requests Judicial Magistrate I, Coimbatore to record statements of absentee and all concerned and thereafter the matter will proceed in accordance with law. To be noted, as regards the two complaints, one dated 16.06.2023 lodged by the third respondent (Mahalingapuram Police Station) and complaint dated 26.06.2023 lodged by the petitioner in Peelamedu Police Station, Coimbatore City, the same shall proceed on its own merits and in accordance with law.



H.C.P.No.1352 of 2023

6. Judicial Magistrate I, Coimbatore and aforementioned Station

House Officers after production, shall proceed with the matters untrammelled by this order which has been made for the limited purpose of giving closure to this habeas legal drill. To be noted, we have directed the detenu to go before Judicial Magistrate I, Coimbatore owing to the nature of the complaint that has been made before us by the petitioner.

Captioned HCP disposed of as closed with the aforementioned directions and observations.

(M.S.,J.) (R.S.V.,J.)
08.08.2023

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



WEB COPY



H.C.P.No.1352 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

gpa

To

1. The Superintendent of Police
Office of the Superintendent of Police
Coimbatore
2. The State rep. By Inspector of Police
Peelamedu Police Station
Coimbatore
3. The Public Prosecutor
High Court, Madras.

H.C.P.No.1352 of 2023

08.08.2023

Page Nos.6/6