



WEB COPY



HCP.No.1985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1985 of 2024

Maheswari

... Petitioner/Mother of
the detenue

Vs.

1. The Superintendent of Police,
Krishnagiri Superintendent of Police Office,
Krishnagiri District.
2. The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri District.

3. Velmurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to bring and produce the detenue by named Udhayasree aged about 25 years D/o. Nandan, now under illegal detention of 3rd respondent and set her at liberty.

For Petitioner

: Mr.C.R.Gokulvisvas



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For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The habeas corpus petition has been filed to direct the respondents 1 and 2 to bring and produce the detenue by named Udhayasree aged about 25 years D/o. Nandan from the illegal detention of the 3rd respondent.

2. The petitioner made serious allegations against the third respondent, who married the daughter of the petitioner. In Para.3 of the affidavit filed in support of the petition, the petitioner made allegation that the third respondent did not allow her daughter to talk with him and the family members. It is further stated that the third respondent is addicted to Ganja and Drug Practices. The third respondent in an intoxicated mood assaulted the daughter of the petitioner and demanded dowry from the family of the petitioner. Several such allegations are made in the affidavit.

3. When the matter was taken up after issuing notice to the parties,



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Mr.E.Raj Thilak, the learned Additional Public Prosecutor on instructions from the Police Authorities would submit that the allegations are false and frivolous. The third respondent and the daughter of the petitioner got married and living happily. Out of their wedlock, one male child born. The third respondent is looking after his wife very well and there is no dispute between the third respondent and his wife, who is none other than the daughter of the petitioner.

4. In spite of the representation made by the learned Additional Public Prosecutor, the learned Counsel for the petitioner replied by stating that the learned Additional Public Prosecutor is making false statement and the Police also has not made submissions in a truthful manner.

5. In view of such controversy, we have directed the Police Authorities to produce the daughter of the petitioner and the third respondent.

6. Today, the daughter of the petitioner and the third respondent



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along with the child are present before this Court. The daughter of the petitioner has stated that even on an earlier occasion, the petitioner made an attempt to takeaway her from the family of the third respondent. She is living happily with the third respondent and with the Child. On an earlier occasion, the petitioner and his family members made an attempt to kidnap her and she made a complaint before the Deputy Superintendent of Police, Theni. The daughter of the petitioner further states that the petitioner and her family members are frequently causing threat to her life and to the third respondent.

7. In view of the said statement, we found that the present habeas corpus petition is frivolous and filed with an ulterior motive to harass the third respondent . The third respondent and his wife is made to attend this Court from Theni along with the Police, since the petitioner has filed a frivolous habeas corpus petition. Even after securing instructions by the learned Additional Public Prosecutor, the learned Counsel for the petitioner has not agreed to withdraw the petition and only after knowing these facts, the learned Counsel for the petitioner made a submission that he may be



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permitted to withdraw. At this juncture, we cannot permit him to withdraw, since the parties have come to Chennai from Theni along with the Police and made a submission that the third respondent and his wife are being harassed by the family members of the petitioner.

8. In view of the facts and circumstances, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the third respondent towards travel and other expenditures and further pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of **No.0055-00-103 AA Police, District Treasury, Krishnagiri** and produce the receipts before this Court. The learned Counsel for the petitioner shall complete the process of paying cost and file an affidavit before this Court along with the receipts.

9. Accordingly, the habeas corpus petition stands dismissed with



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cost.

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Post the matter for reporting compliance on 09.09.2024.

[S.M.S., J.]

[V.S.G., J.]

28.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda
To

1. The Superintendent of Police,
Krishnagiri Superintendent of Police Office,
Krishnagiri District.
2. The Inspector of Police,
Krishnagiri Police Station,
Krishnagiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai - 104.

Copy to:
The District Treasury,
Krishnagiri.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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