



H.C.P.(MD) No. 1264 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

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Vijayakumar

... Petitioner

-VS-

1. The Superintendent of Police
Madurai, Madurai District.
2. The Inspector of Police
Elumalai Police Station,
Madurai District.

3.Vishnuthevan

.... 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 produce the person or body of the detenues namely, Sowri Selvi @ Selvi W/o. Vijayakumar, aged about 42 years and Ishwarya, D/o.Vijayakumar, aged about 24 years before this court and set them at liberty.



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For Petitioner : Mr.R.Jeyamohan
For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor for R1 & R2
: Mr.A.Joseph Jerry for R3

ORDER

The Habeas Corpus Petition has been filed in a vexatious manner. It is very shocking to note that an accused in F.I.R in Crime No.189 of 2024 registered under Sections 296(b), 127(2), 115(2) 303(2) and 351(2) of BNS read with Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, proclaiming that he is innocent, has approached the Court of law, seeking production of his own wife and daughter. It is almost shocking that since the daughter has complained of physical abuse when we spoke to her. She had suffered injuries on her left ear. She is studying Doctor of Pharmacy (Pharm.D) in 6th year in Vivekananda Educational Institute for Women at Thiruchengodu, Namakkal District. The petitioner has also written letters to the said institution imputing the character of his own daughter.



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2. The learned counsel for the petitioner pointed out that the petitioner does not care about the daughter. He must respect his daughter and his wife. The aforementioned F.I.R had been registered on a complaint given by his own wife against him. We enquired the wife. She stated that he continuously harassed her and physically abused her. Therefore, she had taken refuge with her daughter, who has now come to Madurai to join Internship in Vellammal Medical College. The harassment has continued even in Madurai.

3. The learned counsel for the petitioner stated that on registration of the First Information Report, the petitioner absconded. This also means that he had run away from judicial process. He later obtained anticipatory bail, in CrI.O.P. (MD)No.16382 of 2024, on 27.09.2024. Merely because, he has obtained anticipatory bail, does not give him liberty to give complaints against his own daughter at the place where his daughter is studying. She has her reputation to keep up. The Court has a duty to protect her.

4. The learned counsel for the petitioner stated that the daughter had married the third respondent. The daughter has crossed the age of 18 years and



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has every right to choose the person whom she wants to marry. It is for the petitioner to accept or not to accept that particular decision taken by the daughter.

5. We enquired both the wife of the petitioner and the daughter. The wife is not missing. She is staying with her daughter. She is also taking care of her daughter. Under these circumstances, we hold that the Habeas Corpus Petition is extremely vexatious. The Habeas Corpus Petition is dismissed with the costs of Rs.25,000/- payable to the High Court Legal Services Authority of the Madurai Bench of Madras High Court.

6. It is made clear that if such costs is not paid, the District Collector, Madurai District can initiate action under Revenue Recovery Act as against the petitioner, for recovery of such costs. Time for payment is till 30.11.2024. If it is not paid, then the Secretary, High Court Legal Services Authority, attached to the Madurai Bench of Madras High Court shall issue a report to the District Collector, Madurai District and the District Collector may forthwith proceed with under the Revenue Recovery Act for recovery of the costs.



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WEB COPY 7. We would also like to place on record that any complaint received from the petitioner or from any third person may be ignored by the Institution where the daughter is studying, namely, Vivekananda Educational Institute for Women, Thiruchengodu, Namakkal, since those complaints emanate from a person, who has no concern or care for the student in the college, Ishwarya, studying Doctor of Pharmacy, in 6th year.

[C.V.K., J.] [R.P., J.]
17.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
LS

To:

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



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Copy to

1. The Secretary,
High Court Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.
2. The District Collector,
Madurai.
3. Vivekananda Institute for Women,
Tiruchencodu, Namakkal.
4. The Registrar (Judicial)
High Court Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.



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AND
R.POORNIMA, J.

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