
(2011) 12 MAD CK 0133
In the Madras High Court
Case No : H.C.P (MD) No. 1056 of 2011

K. Lakshmi

APPELLANT

Vs

State and Aadhi Raja

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 MAD CK 0133

Hon'ble Judges : S. Nagamuthu, J;M. Jaichandren, J

Bench : Division Bench

Advocate : S. Muthalraj, for the Appellant; A. Ramar, Additional Public Prosecutor For respondents 1 to 3, Mr. Sathya Singh For 4th respondent and Mr. C. Nagamuthu For the detainee, for the Respondent

Final Decision : Dismissed

Judgement

S. Nagamuthu, J.—Mrs.Rama Devi, aged 23 years, w/o. Alagu, is the alleged detainee. Mr. Alagu was all along in a foreign country on account of his job.

2. The petitioner, who is her mother-in-law, is also incidentally, the grand mother of the detainee. The detainee's mother is the daughter of the petitioner. The detainee's husband is none else than her maternal uncle. The marriage between them took place several years before. There has been no issue. From 6.11.2011 onwards, according to the petitioner, she was found missing. In this regard, she has preferred a complaint also to the third respondent and the said complaint is being enquired into. But, so far, no case has been registered.

3. When this matter came up for hearing before this Court on 16.11.2011, this Court directed issuance of notice to the fourth respondent and also for filing a status report by the police.

4. Today, the detainee, Mrs.Rama Devi, has appeared before this Court on her own. She is represented by her counsel, Mr.C.Nagamuthu, a member of Pudukkottai Bar Association. On enquiry, she would submit that their marriage between her and Mr.Alagu was celebrated 12 years before and now, she is

staying in a Home on her own accord, because she does not want to continue the matrimonial ties with her husband. She would further state that she is not willing to disclose her place of staying fearing for some danger to her life.

5. The Learned Counsel appearing for the detinue would submit that she is very safely residing in a Home. The Learned Counsel would further submit that she filed a petition in Crl.O.P.No.14995 of 2011 before this Court seeking a direction to the Inspector of Police, Karaiyur Police Station not to harass her under the guise of enquiry into the petition. When the said petition came up before a learned single Judge on 22.11.2011, the counsel for the petitioner, viz., the detinue herein did not appear. There was no representation for her. However, considering the allegations made and other circumstances, the learned Judge directed the police to scrupulously follow the mandates of the Hon''ble Supreme Court in D.K. Basu Vs. State of West Bengal, , while making enquiry into the complaint of the petitioner. The Learned Counsel has also produced an order copy.

6. The petitioner and her son, Mr.Alagu are present before this Court. Mr.Alagu would submit that he wants his wife to live with him and he is prepared to take her back. The petitioner would also submit that she wants the detinue to come into their family fold.

7. The father of the detinue viz., Sembavila, is also present before this Court. He would also submit before this Court with tears rolling down from his eyes that Mr.Alagu is his brother-in-law and he also wants the detinue to live with Mr.Alagu. He would further state that if the detinue is not willing to live with Mr.Alagu, she can come and live with him at least. He prays this Court to direct the detinue to come over with him viz., the father of the detinue. All these statements are recorded.

8. We also heard the Learned Counsel on either side and the counsel for the detinue and the learned Additional Public Prosecutor.

9. From the statement made before this Court by the detinue, undisputedly, the detinue is aged 23 years. According to her own version, she is not detained illegally by any body else and she is staying elsewhere on her won volition and she does not want to disclose her exact place of living out of fear for her life. In such view of the matter, we do not find any illegal detention and so no further orders are required to be passed in this matter. If her husband, Mr.Alagu has got any grievance in respect of the matrimonial ties, he can very well work out his remedies in the manner known to law.

10. In the result, the Habeas Corpus Petition deserves to be dismissed and accordingly, the same is dismissed and the detinue is set at liberty to go anywhere according to her wish.