



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2013

Coram:

THE HONOURABLE MR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE V.S.RAVI
H.C.P.(MD) No.1297 of 2013

P.Lingapandian . . . Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.

3.Anand . . . Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the second respondent to produce the person or body of the detainee, Anitha, daughter of P.Lingapandian aged 21 years before this Court and set her at liberty.

For Petitioner : Mr.R.Balakrishnan

For Respondents :Mr.C.Mayilvahana Rajendran for R1 & R2
Additional Public Prosecutor
Mr.A.Udayakumar for R3

ORDER

[Order of the Court was made by S.TAMILVANAN, J]

Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

2. The relief sought for in this habeas corpus petition filed under Article 226 of the Constitution of India, is for an order directing the respondents 1 and 2 to secure the presence of the alleged detainee Anitha, daughter of the petitioner, aged about 21 years and produce her before this Court.

3. Pursuant to the direction, the respondents 1 and 2 secured the presence of the alleged detainee, Anitha and produced before this Court. While we enquired, the alleged detainee said that she is aged about 23 years and she married the third respondent. It is also brought to the notice of this Court that the third respondent had already got married another woman lady and having two children. Without getting divorce, as per the prosecution case, the alleged detainee was kidnapped by the third respondent and she is in the family way, according to her.

4. The learned counsel appearing for the petitioner submits that there are other cases pending against the third respondent. And further, the third respondent, a married person elopping with the alleged detenue is against law.

5. Law will take its own course and decide the same. As far as the habeas corpus petition is concerned, we have to decided as to whether there is any illegal detention. Anitha, daughter of the petitioner, the alleged detenue herself has stated that there was no illegal detention.

6. In the afore-said circumstances, subject to the decision and the judgments to be rendered in the other cases, the habeas corpus petition is disposed of, since there is no illegal detention, as alleged by the petitioner.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

jikr

TS/30.01.2014/2P-4C

ORDER MADE IN
H.C.P. (MD) No.1297 of 2013

20.12.2013