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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

H.C.P (MD) No.528 of 2015

VADIVEL

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT.

2. THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the Respondents 1 & 2 to produce the detainee or her corpus namely Roja, W/O.Vadivel, Female, Hindu, aged about 26 years originally resided at 1/261 Ma.Po. Si. Colony, Melakottai, Athoor Taluk, Dindigul District after securing her before this Court and set her at liberty.

For petitioner : Mr.J.Lawrance

For respondents : Mr.T.Mohan
Additional Public Prosecutor

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

2. Alleging illegal detention, writ of Habeas Corpus is sought for by the petitioner, husband,, for producing the corpus of Roja, aged about 26 years.

3.Averments do not disclose detention of the said Roja by anybody. Complaint which culminated into a FIR in Crime No.127 of 2015 dated 29.03.2015 on the file of the Inspector of Police, Chinnalampatti Police Station, Dindigul District also do not indicate detention, except to state that she was missing from 18.02.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Record of proceedings dated 17.04.2015 is to the effect that the learned counsel appearing for the petitioner himself has represented that



whenever the petitioner has approached the concerned police, they used to say that the detinue had elopped with somebody. On 17.04.2015, the Inspector of Police has been directed to make his appearance. Subsequently, on 27.04.2015, the learned Additional Public Prosecutor has represented that the detinue had elopped with somebody.

5.Today, detinue is present. We enquired her. She has stated that she has not been detained by anybody. We have also enquired the petitioner. It appears that there is some minor dispute between them. As allegations of detention are not made out either in the complaint or in the supporting affidavit enquiry also, does not support the case of detention, Mandamus cannot be issued and hence, this Habeas Corpus petition is dismissed.

6.During the course of enquiry, spouses submitted that there is a minor child, aged about 2 years, now being nurtured by the petitioner.

7.Considering the paramount welfare of the child, we deem it fit that the matter requires to be mediated for resolution of disputes, if any. While dismissing this petition on the ground that there is no detention, we hereby nominate Mr.J.Padmavathy Devi, learned counsel, as mediator, attached to Madurai Bench of Madras High Court to make her sincere efforts to resolve the dispute and for re-union.

8.The parties should make themselves present at 2.15 p.m. today (16.07.2015) before the Mediation Centre and report the fact to us at 4.00 p.m.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. THE SUPERINTENDENT OF POLICE, OFFICE OF THE SUPERINTENDENT OF POLICE, DINDIGUL DISTRICT.
2. THE INSPECTOR OF POLICE, CHINNALAPATTI POLICE STATION, DINDIGUL DISTRICT.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. M/S.Padmavathy Devi,
Advocate,
C/o. Mediation Centre,
Madurai Bench of Madras High Court, Madurai.
- 5 The Section officer, Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai.

IT