



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MS.JUSTICE S.S.SUNDAR

H.C.P.[MD].No.1479 of 2016

Kadhermoideen

: Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.

3.Mathankumar

4.Thayammal

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the person or body of the petitioner's wife, namely, Mariambeevi, aged about 55 years, before this Court and set her at liberty.

For Petitioner

: Mr.V.Sankaranarayanan

For Respondents

: Mr.K.S.Duraipandian

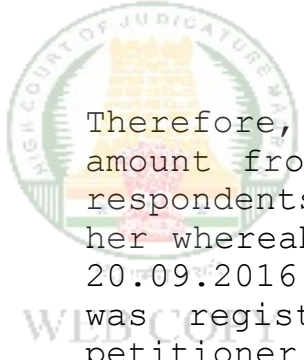
Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

The present Habeas Corpus Petition has been filed by the husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, namely, Mariambeevi, aged about 55 years, before this Court and set her at liberty.

2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that the marriage between the petitioner and his wife was solemnized 30 years back. Out of the said wedlock, they have got three sons and a daughter. The daughter of the petitioner, by name, Rojabanu was given in marriage to the respondent 1. The respondent 1 has been living separately with her husband. His daughter borrowed a sum of Rs.50,000/- from the respondents 3 and 4 in the year 2015. However, she could not repay the said amount.



Therefore, the respondents 3 and 4 started demanding the said amount from the detenu. Unable to bear the torture given by the respondents 3 and 4, the detenu left the matrimonial home. Since her whereabouts were not known, the petitioner made a complaint on 20.09.2016 and based on the same, a case in Crime No.382 of 2016 was registered. As there were no effective steps taken, the petitioner has come up with this Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu before this Court. When we enquired, the detenu has stated that unable to bear the pressure brought upon on her by the respondents 3 and 4, she left the matrimonial home and she was staying in her sister's house. She has further stated that she is not in illegal custody and she is willing to go with the petitioner.

4. In view of the said submission made, since the detenu is not in illegal custody, we are of the considered view that nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed, setting the detenu at liberty.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

ORDER MADE IN
H.C.P.[MD].No.1479 of 2016
12.12.2016

nb
rum/26.12.2016/2p/4c