



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P. (MD) No.1483 of 2016

Madasamy : Petitioner

Vs.

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

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

3.Essakki @ Thurai : Respondents

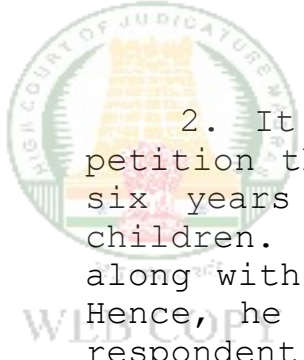
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents herein to produce the body and limb of his wife Maheswari/detenué, daughter of Raman, aged about 25 years, before this Court and set her at liberty and also to produce and body and limb of petitioner second daughter Anna Rohini/detenué, daughter of Madasamy, aged 2 1/2 years old before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.S.Sathya Chidambaram
For Respondents 1&2 : Mr.K.S.Duraipandian,
Additional Public Prosecutor

ORDER

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

The petitioner, who is the husband of the detenué, has filed the present Habeas Corpus Petition seeking for a direction, directing the first and second respondents to produce his wife and younger daughter, before this Court and set them at liberty.



2. It is averred in the affidavit filed in support of the petition that the marriage between him and the detenue took place six years back and due to wedlock, now, they are having two children. While so, on 14.10.2016, the detenue left the house along with the younger daughter, but they did not return to home. Hence, he has lodged a complaint having suspicion over the third respondent. Based on the complaint given by him, a case was registered in Crime No.269 of 2016 and since no effective steps were taken by the respondent police to trace out the detenues, he is before this Court with the present petition.

3. Today, when the matter was taken up for hearing, the second respondent produced the detenue before this Court along with the petitioner. On our enquiry, the detenue stated that she had a quarrel with her husband and hence, she left the house voluntarily and went to Chennai and stayed in her friend's house and thereafter, she herself returned to Home along with her daughter. We also enquired the petitioner who is present in Court. He has also confirmed the said fact.

4. In view of the above said submission made by the detenue, we are of the opinion that the detenue is not in illegal custody of anyone and hence, nothing survives for adjudication in this petition. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

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

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

SML

CSL/PV/29.12.2016: 2P/4C

Order made in
H.C.P. (MD) No.1483 of 2016
Dated: **15.12.2016**