



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2016

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

H.C.P.[MD].No.1570 of 2016

S.Thangaraj

: Petitioner

Vs.

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

2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.

3. G.Rakkappan

4. K.Kaleeswari

5. P.Kanagaraj

: 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 herein to produce the bodies or persons of the detainees [petitioner's wife and his minor daughter] namely, M.Kaleeswari, aged 31 years, W/o.Thangaraj, and minor child Kaviya Dharshini, aged about 4 years, before this Court and set them at liberty.

For Petitioner

: Mr.C.Baskaran

For Respondents

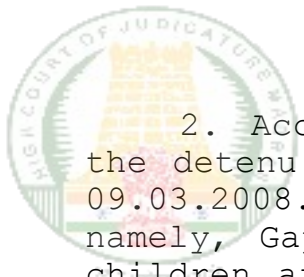
: Mr.K.S.Duraipandian

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 detainee, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the bodies or persons of the detenus [petitioner's wife and his minor daughter], namely, M.Kaleeswari, aged about 31 years, W/o.Thangaraj, and minor child Kaviya Dharshini, aged about 4 years, before this Court and set them at liberty.



2. According to the petitioner, the marriage between him and the detenu - M.Kaleeswari, aged about 31 years, was celebrated on 09.03.2008. Out of the said wedlock, they have got three children, namely, Gayathiri, Krishna and Kaviya Dharshini, out of whom, two children are studying. While so, the wife of the petitioner, along with the minor child Kaviya Dharshini, aged about 4 years, went missing from 15.06.2016 onwards. In this regard, the petitioner made a complaint, on 21.06.2016, upon which a case in Crime No.402 of 2016 was registered. Since no action was taken by the police, the petitioner has come up with this Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition came up for consideration, the detenu, along with the minor child Kaviya Dharshini, aged about 4 years, was produced by the second respondent police. On enquiry, the detenu has stated that on account of quarrel between her and the petitioner, she left the matrimonial home and went to Thiruppur, where she was working in a private company. She has further stated that she is not in illegal custody. She has also stated that she is not willing to go with the petitioner and she is prepared to stay with her mother for sometime.

4. In view of the said submission made, we are of the considered view that nothing survives for adjudication in the Habeas Corpus Petition, which is liable to be closed. Hence, the Habeas Corpus Petition is closed and the detenu is set at liberty.

Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.BASKAR, ADVOCATE IN SR No. 81009

NB

TE/SKN : 27/12/2016 : 2P/5C