



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**H.C.P.(MD)No.948 of 2016
and
Cr1.M.P.(MD)No.7305 of 2016**

V.Kaththanan

: Petitioner

Vs.

1.The Home Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.

2.The Superintendent of Police,
Tuticorin District,
Tuticorin.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu V.Karthick, brother of the petitioner, aged about 42 years before this Court and set him at liberty.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.A.Ramar,

Additional Public Prosecutor

ORDER

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

The petitioner is the brother of one Mr.V.Karthick, S/o.Vellachamay Thevar, who, according to the petitioner, was taken into illegal custody by the police on 20.07.2016. Since he was not let off, the petitioner has come up with this Habeas Corpus Petition.

2. When this Habeas Corpus Petition was taken up today, the learned counsel for the petitioner himself informed the Court that the detenu returned home on 22.07.2016. The said statement is recorded. The petitioner has now come up with the petition in



Crl.M.P.(MD)No.7305 of 2016 seeking compensation for the alleged illegal detention of the detenu.

3. In our considered view, it is a disputed question of fact as to whether the detenu was really illegally detained or not. The said disputed question of fact cannot be resolved in this Habeas Corpus Petition. If the petitioner has got any case that really, the detenu was illegally detained, it is for him to work out his remedy in the manner known to law. So far as the Habeas Corpus Petition is concerned, we are concerned only with the liberty of the citizen. Since the detenu is not illegally detained and he has returned home, nothing survives in this Habeas Corpus Petition. Accordingly, the same is dismissed, leaving it open to the petitioner to work out his remedies elsewhere. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The Home Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.

2.The Superintendent of Police,
Tuticorin District,
Tuticorin.

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

+1 cc to M/S.S.Herold Singh, Advocate in SR.No. 50630

SML

CSL/GSV-PM/15.09.2016: 2P/5C

Order made in
H.C.P.(MD)No.948 of 2016
Dated: **06.09.2016**