



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

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**THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA**

H.C.P. (MD) No. 1132 of 2017

Panimariyan : Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District

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

3. Maria Selladurai : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the petitioner's daughter namely Maria Kala, W/o. Maria Selladurai aged 35 years, before this Court and set her at liberty.

For Petitioner : Mr. T. A. Ebenezer
For Respondents : Mr. A. Ramar for R1 & R2
Additional Public Prosecutor
R3- No Appearance **ORDER**

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

This petition has been filed by the father of the detainee, namely, Maria Kala, aged about 35 years.

2. It has been averred in the affidavit filed in support of this petition that the detenu was married to the third respondent on 05.09.2005 and due to wedlock, she had begotten one female and one male child. It is further stated that from the date of marriage, the third respondent harassed the detenu. Whiles, it is his case that when he came to see his daughter/the detainee, she could not identify the petitioner and he came to know that his daughter was mentally affected. Therefore, it is his case that his



daughter was in the illegal custody of the third respondent and hence, he lodged a complaint before the respondent police and since no action has been taken, he is before this Court with this petition.

3. When the matter came up before this Court on 31.08.2017, this Court has given the following direction:

"The petitioner is the father of the detenu. The third respondent is the husband of the detenu. This petition has been filed on the ground that the mental condition of the detenu is not alright. Today, the detenu is present before us. She is unable to understand the question put forth by us, even she is unable to understand her response is very meagre. She looks like dead. Therefore, we are of the view that the detenu will have to be referred to a psychiatrist.

2. The third respondent has also informed us that he can give treatment to the detenu. Accordingly for a period one month, the detenu is under the custody of the petitioner. This statement is made because of the fact that the two minor children born out of the wedlock between the third respondent and detenu.

3. Considering the above, we permit the petitioner to take the custody of the detenu and a direction is issued to the Dean, Tirunelveli Medical College Hospital, Tirunelveli to refer the detenu namely, Maria Kala, to a psychiatrist. The detenu will have to be given continued treatment for a period of one month. A report has to be filed by the Dean, Tirunelveli Medical College Hospital, Tirunelveli in consideration with the Psychiatrist about the progress made on the treatment to be given to the detenu. The said report has to be filed on or before next date of hearing.

4. Post the matter for further hearing on 03.10.2017."

4. Today, when the matter was taken up for consideration, it is represented by the learned Additional Public Prosecutor that the detenu was given treatment as per the direction of this Court and subsequently, she was handed over to the third respondent/husband. The petitioner has also no objection for the same.

5. The learned counsel for the petitioner has also confirmed that the petitioner has got no objection in handing over the detenu to the third respondent.

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

6. In view of the submission made on either side, we are of the opinion that nothing survives for adjudication in this Habeas



Corpus Petition.
closed.

Accordingly, the Habeas Corpus Petition is

Sd/-

Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar

To

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

+ 1 cc TO Mr.T.A.Ebenezer , Advocate in SR No. 84407

RR

AE/SV MMS/SAR1/17.11.2017/3P/5C

Order made in
H.C.P. (MD) No.1132 of 2017
Dated: 30.10.2017