



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM:

WEB COPY

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

H.C.P.[MD].No.1137 of 2017

S.Ananthi : Petitioner

Vs.

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

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

3.Nadesan
4.Suyambukani
5.Madhan

: 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 secure and produce the detenu or body of the detenu namely, N.Selvaraj, aged about 27 years, S/o.Nadesan before this Court and set him at liberty.

For Petitioner	: Mr.R.Murugan
For R1 & 2	: Mr.A.Ramar
	Additional Public Prosecutor
For R3 to R5	: Mr.K.Gokul

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 mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the detenu or body of the detenu namely, N.Selvaraj, aged about 27 years, S/o.Nadesan before this Court and set him at liberty.

<https://hcservices.courts.gov.in/hcservices/2017-10-27-14-44-44>
Mr.R.Murugan, learned counsel appearing for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor



appearing for the respondents 1 and 2 and Mr.K.Gokul, learned counsel appearing for the respondents 3 to 5.

3. In the affidavit filed in support of this Petition, it has been averred that the petitioner is the wife of the detenu and they belonged to different community and both of them fell in love with each other. The respondents 3 to 5 are the father, mother and cousin brother of the detenu respectively. It is further represented that the petitioner belongs to Schedule Caste and therefore, the respondents 3 to 5 and their family members are opposing her love. Hence, the petitioner married the detenu and the said marriage was not informed to the respondents 3 to 5. After the marriage, they started their marriage life in Chennai and the petitioner has also become pregnant. After knowing her residence, the respondents 3 to 5 came to Chennai in the month of December 2016 and abducted her husband and kept in a secret place. Hence, the petitioner gave a complaint before the second respondent on 07.12.2016 and after conducting an enquiry, the respondents 3 to 5 produced the petitioner's husband before the second respondent police. Subsequently, within a period of one month, the petitioner's husband was found missing and the petitioner searched for the detenu in several places, but she could not find him. In this Connection, the petitioner made a complaint before the second respondent police on 03.05.2017. Since no effective steps were taken by the second respondent police, the petitioner has come up with the present Habeas Corpus Petition.

4. Today, when the Habeas Corpus Petition was taken up for consideration, the learned counsel for the respondents 3 to 5 filed a counter affidavit, in which, it has been stated that earlier the petitioner came to the place of the respondents 3 to 5 and gave a complaint before the Social Welfare Officer, Tirunelveli and based on the complaint, enquiry was conducted and thereafter the same was closed. Again, the petitioner gave a complaint before the Superintendent of Police, Tirunelveli, which was forwarded to All Women Police Station, Valliyoor, where after conducting enquiry, the petition was closed. The petitioner, instead of searching her husband, who is the son of the respondents 3 and 4, implicated the respondents 3 to 5 herein. Hence, they sought for dismissal of the petition.

5. A reading of the entire affidavit filed in support of the Habeas Corpus Petition, we are of the opinion it is only a family dispute between the petitioner and the detenu and hence, nothing survives for adjudication in this Habeas Corpus Petition. Therefore, the Habeas Corpus Petition is closed. However, the petitioner is at liberty to work out his remedy before the appropriate forum.

Sd/-

Assistant Registrar(CSI)



To

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

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

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

+One cc to Mr.R.Murugan, Advocate, SR.No.83911

+One cc to Mr.K.Gokul, Advocate, SR.No.84100

Ns

RL/6C/3P/KP/SAR1/13/11/2017

ORDER MADE IN

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27.10.2017