



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P. [MD] .No.1354 of 2017

P.Kothandapani

: Petitioner

Vs.

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. The Inspector of Police,
Kuzhithurai Police Station,
Kanyakumari District.

3. D.Johny

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the Inspector of Police, Kuzhithurai Police Station, the second respondent herein to produce Selvakumar @ Daniel, S/o.Panchatsaram, aged 33 years before this Court and set him at liberty.

For Petitioner : Mr.C.Meenakshi Ramaprabhu

For Respondents 1 & 2 : Mr.A.Ramar

Additional Public Prosecutor

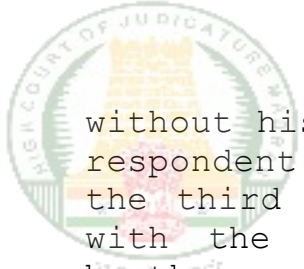
For Respondents 3 : Mr.S.Ramakrishnan

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 brother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Selvakumar @ Daniel, S/o.Panchatsaram, aged 33 years before this Court and set him at liberty.

2. According to the petitioner, he is the brother of the detenu. His youngest brother namely, Selvakumar @ Daniel fell in love with the third respondent and married her on 29.10.2009,



without his consent. After the marriage, the detenu and the third respondent lived in Vellore for sometime. While so, during 2012, the third respondent went to her native place for delivery along with the detenu. Thereafter, there was no contact with his brother. Though, the petitioner tried to contact his brother, no proper reply was forthcoming. Under the above stated circumstances, the petitioner lodged a complaint before the second respondent on 04.09.2017 and the first respondent on 05.09.2017. Since there were no effective steps taken by the respondent police to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the respondent police produced the detenu. When we enquired the detenu, he has stated that due to misunderstanding with his wife, he went to Bangalore, on his own volition and is presently working in Bangalore. He has further stated that he is not in illegal custody.

4. In view of the above, since the detenu is not in illegal custody, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.C.Meenakshi Ramaprabhu , Advocate Sr.No.85902
+1cc to Mr.S.Ramakrishnan, Advocate Sr.No.85641

RM

VB/KP/SAR2/20.11.2017/2P/6C