



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1435 of 2017

Ananda Sairas

: Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.

3. Selinmary

: 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 first and second respondents to produce person or body of detenu namely, Sarobina, W/o.Ananda Sairas, aged 32 years, before this Court and set her at liberty.

For Petitioner

: Mr.Silambarasan

For R1 and R2

: Mr.C.Mayilvagana Rajendran
Additional Public Prosecutor

For R3

: No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu namely, Sarobina, W/o.Ananda Sairas, aged 32 years, before this Court and set her at liberty.

2.In the affidavit filed in support of this Petition, it has been averred that the petitioner is the husband of the detenu viz., Sarobina, aged about 32 years. The marriage between the petitioner and the detenu was solemnized 14 years back and they got two male children and they are studying in Government School at Inattapalai by staying in the School Hostel. While so, on 01.03.2017, due to some misunderstanding arose between the



petitioner and the detenu, the detenu ran away from the house. Thereafter, the petitioner searched her in various places, but he could not find her. Hence, the petitioner made a complaint before the second respondent on 01.03.2017. On receipt of the said complaint, the second respondent registered a case in Crime No.101 of 2017 for 'Women Missing'. Since there were no effective steps taken by the second respondent to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is not present before this Court, today.

4.Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. When we enquired the detenu, she has stated that on her own accord, she left the house and she is not willing to go along with the petitioner.

5. In view of the above, since the detenu is a major and she is not willing to go along with the petitioner, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, we are left with no other option except to close this Habeas Corpus Petition.

6.In the result, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.R.Sivalingam, Advocate Sr.No.87555

NS

VB/KK/SAR1/28/11/2017/2P/5C