



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No.1402 of 2017

K.Senthilkumar : Petitioner

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

3.R.Ayyappan : 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 1 and 2 to secure and produce the body of the detenu, the petitioner's wife namely, Rajalakshmi, aged about 24 years, before this Court and set her at liberty.

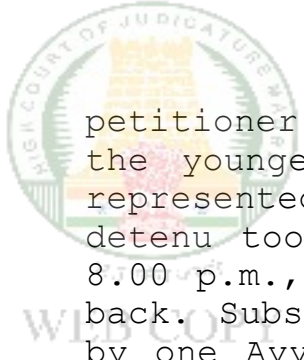
For Petitioner	: Mr.P.Vijayakumar
For R1 and R2	: Mr.A.Ramar
	Additional Public Prosecutor
For R3	: Mr.B.Jameel Arasu

ORDER

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

This Petition has been filed by the husband of the detenu to direct the respondents 1 and 2 to secure and produce the body of the detenu, the petitioner's wife, namely, Rajalakshmi, aged about 24 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 working as a Load man in TAA Modern Rice Mill at Natham. He married one Jeyarani, who is none other than the elder sister of the detenu. Due to marriage, the petitioner and Jeyarani had begotten two female children. While so, the said Jeyarani expired, due to illness. At this stage, the



petitioner's mother-in-law approached him and proposed to marry the younger daughter, namely, the detenu herein. It is further represented that the marriage between the petitioner and the detenu took place on 03.09.2017 and thereafter, on 06.09.2017 at 8.00 p.m., the detenu went out of the house and has not returned back. Subsequently, he came to know that the detenu was abducted by one Ayyappan. In this regard, the petitioner made a complaint before the second respondent police on 09.09.2017. On receipt of the said complaint, the second respondent police registered a case in Crime No.563 of 2017. Since there were no effective steps taken by the second respondent, the petitioner has come up with the present Habeas Corpus Petition.

3.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 she was forced to marry the petitioner and on her own volition, she left the house and went along with the third respondent. She has further stated that she is not willing to go along with the petitioner herein.

4. 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 this Habeas Corpus Petition. Hence, we are left with no other option, except to close this Habeas Corpus Petition.

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

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

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

+One cc to Mr.P.Vijayakumar, Advocate, SR.No.83072
+One cc to Mr.B.Jameel Arasu, Advocate, SR.No.83131

Ns

RL/6C/2P/MR/KKR/SAR4/6/11/2017

Order made in

H.C.P. (MD) No.1402 of 2017