



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

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

H.C.P.[MD].No.1427 of 2017

Leedhiyal

: Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Inspector of Police,
Vallanadu Police Station,
Thoothukudi District.
4. The Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.
5. The Inspector of Police,
Ramaiyanpatti Police Station,
Tirunelveli District.

6.Velmathi @ Rani

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 5 to secure and produce the person or body of the detenu, petitioner's husband, namely Kumar @ Jebakumar, S/o. Narayanan, aged about 37 years, before this Court and set him at liberty.

For Petitioner

: Mr.S.Lingarasu

For Respondents

: Mr.A.Ramar

Additional Public Prosecutor
for R.1 to R.5

O R D E R

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

The Habeas Corpus Petition has been filed to direct the respondents 1 to 5 to secure and produce the person or body of the detenu, petitioner's husband, namely Kumar @ Jebakumar, S/o. Narayanan, aged about 37 years, before this Court and set him at liberty.

2. The petitioner is the wife of the detenu. She has filed the present petition by stating that she married the detenu viz., Kumar @ Jebakumar on 28.12.2009. After her marriage, she along with her husband were leading a peaceful life. While so, her husband found missing from 03.06.2011 from Gopalapuram Village. She enquired with the relatives of her husband and inspite of the said enquiry, she was not in a position to find out his whereabouts. Hence, she lodged a complaint before the respondent police. The police has not taken any action. But later, she came to know that her husband has stayed at his sister's house, who is the sixth respondent herein, at Vallanadu Village. Hence, she sent a registered post to the first respondent police for taking necessary action and secure her husband. Since no action has been taken up by the respondent police, she has come up with this petition.

3. Today, when the matter was taken up for consideration, the detenu was produced along with the sixth respondent, who is the elder sister of the detenu. The petitioner was not present. When we enquired the sixth respondent, she stated that the detenu is suffering from mental illness and he is in the custody of the sixth respondent and she is taking care of him.

4. In view of the statement given by the sixth respondent, we are of the opinion that the detenu is not in illegal custody. Therefore, this petition is liable to be dismissed. Accordingly, the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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



2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Inspector of Police,
Vallanadu Police Station,
Thoothukudi District.
4. The Inspector of Police,
Karivalamvanthanallur Police Station,
Tirunelveli District.
5. The Inspector of Police,
Ramaiyanpatti Police Station,
Tirunelveli District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CP/SSL

TE/GT/SAR-IV : 23/10/2017 : 3P/7C

ORDER MADE IN
H.C.P. [MD] .No.1427 of 2017
05.10.2017