



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1437 of 2017

Dineshkumar

: Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.

2. The Inspector of Police,
Nalattinpuhur Police Station,
Nalattinpuhur,
Tuticorin District.

3.Mangesh

: 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 produce the body or person of the detenu namely Subashini, petitioner's wife, aged about 25 years and the petitioner's son namely, Aarav, aged about 3 years, before this Court and set them at liberty.

For Petitioner

: Mr.N.Anandakumar

For R1 and R2

: Mr.A.Ramar

Additional Public Prosecutor

ORDER

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

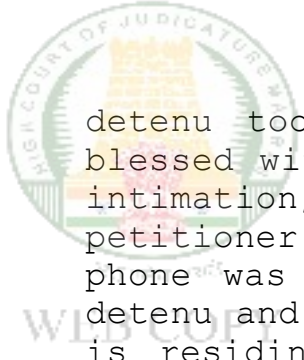
This Petition has been filed by the husband of the detenu to direct the respondents 1 and 2 to produce the body or person of the detenu, namely Subashini, petitioner's wife, aged about 25 years and the petitioner's son namely, Aarav, aged about 3 years, before this Court and set them at liberty.

2.Heard Mr.N.Anandakumar, learned counsel for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor, appearing for the respondents 1 and 2.

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

<https://hcservices.ecourts.gov.in/hcservices/>

4.In the affidavit filed in support of this Petition, it has been averred that the marriage between the petitioner and the



detenu took place on 09.02.2012 and due to wedlock, they were blessed with one male child. While so, on 12.06.2017, without any intimation, the detenu and her son were found missing and the petitioner tried to contact the detenu over phone, but, her mobile phone was switched off. Subsequently, he came to know that the detenu and her son had been kidnapped by the third respondent, who is residing at Kovilpatti Taluk, Tuticorin District. Hence, the petitioner made a complaint before the second respondent police. Since there were no effective steps taken by the second respondent police, the petitioner has come up with the present Habeas Corpus Petition.

5. 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 account of the harassment given by the petitioner, unable to tolerate the same, on her own volition, she left her husband. She has further stated that now she is residing at her native place and she is not in the illegal custody of any one and she is also not willing to go along with the petitioner.

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

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.
2. The Inspector of Police,
Nalattinuthur Police Station,
Nalattinuthur,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ns

AE/KP/SAR1/03.11.2017/2P/4C

Order made in
H.C.P. (MD) No.1437 of 2017
Dated: 20.10.2017