



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.1451 of 2017

Jeya : Petitioner

Vs.

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

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

3. Pandi : 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, P.Ramachandran, S/o.Periyasamy, aged about 35 years, before this Court and set him at liberty.

For Petitioner	: Mr.B.Meltiue
For R1 and R2	: Mr.A.Ramar
	Additional Public Prosecutor
For R3	: No appearance

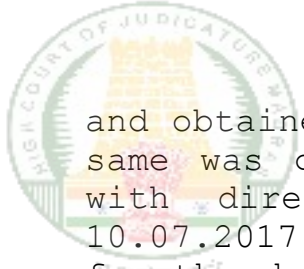
ORDER

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

This Petition has been filed by the wife of the detenu to direct the respondents 1 and 2 to produce the body or person of the detenu namely, P.Ramachandran, S/o.Periyasamy, aged about 35 years, before this Court and set him at liberty.

2.Heard Mr.B.S.Meltiue, learned counsel appearing for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.In the affidavit filed in support of this Petition, it has been averred that the third respondent gave alcohol to the detenu



and obtained his signature in pro-notes and stamp papers. When the same was questioned by him, the third respondent threatened him with dire consequences. It is further represented that on 10.07.2017 the detenu was found missing. The petitioner searched for the detenu in various places, but, she could not find him. In this regard, the petitioner made a complaint before the respondents 1 and 2 on 19.07.2017 and 06.08.2017 respectively. Since there were no effective steps taken by the respondents 1 and 2, the petitioner has come up with the present Habeas Corpus Petition.

4. Today, when the Habeas Corpus Petition was taken up for consideration, the respondents 1 and 2 produced the detenu. When we enquired the detenu, he has stated that on his own volition, he went out of the house and now, he is working at Tirupur. He has further stated that if the petitioner/wife wants to come along with the detenu, he is ready to take her. However, the petitioner/wife has stated that if the detenu comes along with her, she is ready to accept the detenu.

5. In view of the above, we are of the opinion it is only a family dispute between the petitioner and the detenu and hence, nothing survives for adjudication in this Habeas Corpus Petition. Therefore, the Habeas Corpus Petition is closed. However, the petitioner is at liberty to work out his remedy before the appropriate forum.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

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

Ns

MK/SV MMS/SAR-2/02.11.2017/2P/4C