



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

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

H.C.P. (MD) No.1457 of 2017

S.Kathayee : Petitioner

Vs.

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

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.570/2017)

3.Sasibala : 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 to produce the petitioner's daughter namely, S.Saranya, aged about 28 years, before this Court and set her at liberty.

For Petitioner	: Mr.D.Balamurugapandi
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 mother of the detenu to direct the respondents 1 and 2 to produce the petitioner's daughter namely, S.Saranya, aged about 28 years, before this Court and set her at liberty.

2.Heard Mr.D.Balamurugapandi, 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 petitioner is the mother of the detenu. The marriage between the detenu and one pandi was solemnized on 08.06.2017. While so, from 10.09.2017, the detenu found missing. In this regard, the petitioner made a complaint before the second



respondent police. On receipt of the said complaint, the second respondent police registered a case in Crime No.570 of 2017 for "Women Missing". Since there were no effective steps taken by the second respondent, the petitioner has come up with the present Habeas Corpus Petition.

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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 against her wish, the marriage was conducted and even prior to the marriage with said Pandi, she had already married the third respondent in a temple on 05.06.2017 and hence, she left the matrimonial home along with the third respondent. She has further stated that the detenu is a major, aged about 28 years and on her own volition, she left the matrimonial home and she is not in the illegal custody of any one.

5. In view of the above, since the detenu is a major and she is not in the illegal custody of any one, in our considered view, nothing survives for adjudication in this Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

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

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

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.BALAMURUGAPANDI Advocate in SR. No. 83184

NS

JS/JC/SAR.1/3.11.2017/2P-5C

Order made in
H.C.P. (MD) No.1457 of 2017
Dated: 20.10.2017