



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1482 of 2017

Saraswathi

: Petitioner

Vs.

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

2.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the persons or bodies of detenus namely, Mangayarkarasi, W/o.Manikandan and Madhuprajesh, S/o.Manikandan, aged about 5 years before this Court and hand over the custody to the petitioner.

For Petitioner

: Mr.T.Antony Arul Raj

For R1 & 2

: Mr.A.Ramar

Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the persons or bodies of detenus namely, Mangayarkarasi, W/o.Manikandan and Madhuprajesh, S/o.Manikandan, aged about 5 years before this Court and set them at liberty.

2.Heard Mr.T.Antony Arul Raj, learned counsel appearing for the petitioner and Mr.A.Ramar, learned Additional Public Prosecutor appearing for the respondents.



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

4.In the affidavit filed in support of this Petition, it has been averred that the the marriage between the detenu and one Manikandan was solemnized six years back. Due to wedlock, they were blessed with one male child. On 14.09.2017, at about 8.00 p.m., the detenu went out of her parental home along with her son stating that she was going to tailor shop and thereafter, they have not returned back to home. The petitioner searched for the detenu and her son in several places but, she could not find them. In this Connection, the petitioner made a complaint before the second respondent police on 17.09.2017. On receipt of the said complaint, the second respondent police registered a case in Crime No.142 of 2017 for 'Woman Missing'. 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 she married one Manikandan and subsequently, due to misunderstanding between them, they lived separately and the said Manikandan also did not take care of her minor child. She has further stated that on her own volition, she left the parental home along with her minor son and now she married one Kumar and she is not willing to go along with the petitioner.

6.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 the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Office of Superintendent of Police, Tirunelveli District.
 - 2.The Inspector of Police, Devarkulam Police Station,
Tirunelveli District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.T.Antony Arul Raj, Advocate, SR.No.83992

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ORDER MADE IN
H.C.P.[MD].No.1482 of 2017
26.10.2017