



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2017

CORAM:

WEB COPY

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

H.C.P.[MD].No.1502 of 2017

R.Bala

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Race Course Road,
Madurai City.

2.The Inspector of Police (L & O),
Sellur Police Station,
Sellur,
Madurai City.

... 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 person or body of the petitioner's husband viz., Kirubakaran, S/o. Renganathan, aged about 36 years before this Court and set him at liberty.

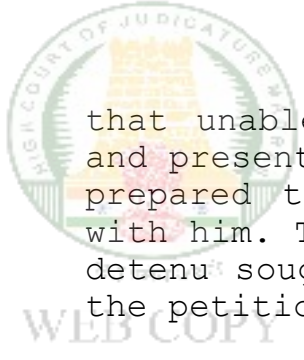
For Petitioner	: Mr.D.S.Haroon Rasheed
For Respondents	: Mr.A.Ramar
	Additional Public Prosecutor

O R D E R

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

The petitioner is the wife of the detenu. The marriage between the petitioner and the detenu took place on 18.10.2012 at Madurai Aruldasspuram Periyasamy Konar Marriage Hall in the presence of both side family members. Due to the wedlock, the petitioner gave birth two children viz., Divadharshini and Sudharsana. Subsequently, there was some misunderstanding between the husband and wife. Hence, the petitioner's husband left the matrimonial home. Since the whereabouts of the petitioner's husband is not found, the petitioner lodged a complaint before the respondent police. But no effective steps have been taken by the respondents, the present Habeas Corpus Petition has been filed.

2. Today, when the matter is taken up for consideration, the respondent police produced the detenu. On enquiry, the detenu stated



that unable to tolerate the torture, he left the matrimonial home and presently he is in Coimbatore. Further, he has stated that he is prepared to take the petitioner and children to Coimbatore along with him. The petitioner has also agreed for the same. However, the detenu sought for one month time to make arrangements to take back the petitioner and children.

3. In view of the submissions made by the detenu, nothing survives for adjudication in this petition, since he is not any illegal custody. Moreover, it is a matrimonial dispute for which, the Habeas Corpus Petition is not a remedy. Hence, we are closing the petition. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Race Course Road,
Madurai City.
- 2.The Inspector of Police (L & O),
Sellur Police Station,
Sellur,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.D.S.Haroon Rasheed, Advocate, SR.No.83623

akv

RL/5C/2P/KK/SAR1/17/11/2017

ORDER MADE IN

H.C.P.[MD].No.1502 of 2017