



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

CORAM:

WEB COPY

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

H.C.P.(MD)No.1509 of 2017

Gunaseelan : Petitioner

Vs.

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

2.The Inspector of Police
Alangudi Police Station
Pudukottai District

: 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 body or person of the petitioner's son, Balakrishnan, S/o.Gunaseelan, aged 30 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, viz., Balakrishnan, aged 30 years. It is alleged in the affidavit that the detenu's marriage with one Archana was solemnized in the year 2013 and due to wedlock, the said Archana gave birth to a child. Since there was some misunderstanding between the detenu and his wife, now they were living separately. While so, the detenu, who went for work to Alangudi Town, in the month of February 2017, did not return. Therefore, the petitioner preferred a complaint to the respondent police and since, no effective steps were taken, the petitioner is before this Court with this petition.

2.When the matter was taken up for hearing, the respondent police has filed a status report stating that prior to six months on February 2017, the detenu eloped with one Pushpavalli. At that time, a complaint was given and CSR No.172/2016 was assigned and the



respondent police secured the detenu on 28.08.2016 and he has been handed over to the petitioner herein on the same day. However, by suppressing the earlier occurrence, the petitioner is before this Court with this petition and investigation revealed that the detenu again eloped with the said Pushpavalli and filed a divorce petition as against his wife before the Sub Court, Thirumayam. However, the detenu did not appear for few hearings before the Sub Court, Thirumayam.

3. In view of the above, we find that the detenu is in the habit of eloping frequently. Moreover, he has also filed a divorce petition before the Sub Court. Considering the facts and circumstances of the case, we do not find any compelling circumstances warranting to give direction to the respondent police. Accordingly, the Habeas Corpus Petition is closed. However, the respondent police is directed to proceed with the case in Crime No.350/2017 in accordance with law.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

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

RR

RL/4C/2P/SKN/RSK/SAR4/28/12/2017

Order made in

H.C.P. (MD) No.1509 of 2017

Dated: 06.12.2017