



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

**AND**

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

**H.C.P. (MD) No.1513 of 2017**

Selvakumar : Petitioner

Vs.

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

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

3.Thomasraj : 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 person or body of the petitioner namely Vijaya, D/o.Natarajan, aged about 40 years, before this Court and set her at liberty.

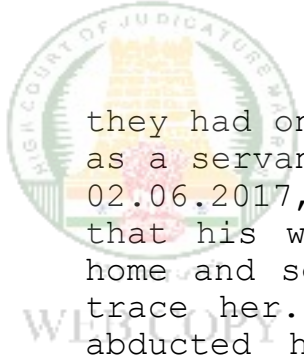
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|----------------|-----------------------------------------------|
| For Petitioner | : Mr.C.K.M.Appaji                             |
| For R1 and R2  | : Mr.C.Ramesh<br>Additional Public Prosecutor |
| For R3         | : No appearance                               |

**ORDER**

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

The present Habeas Corpus Petition has been filed by the husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner namely Vijaya, D/o.Natarajan, aged about 40 years, before this Court and set her at liberty.

2.In the affidavit filed in support of this petition, it has been averred that the petitioner is the husband of the detenu - Vijaya, D/o.Natarajan, aged about 40 years and the marriage between the petitioner and the detenu was solemnized in the year 2000 and



they had one male and one female child and the petitioner is working as a servant in a Hotel at Thiruvananthapuram. It is alleged that on 02.06.2017, the petitioner received a phone call from his children that his wife was found missing and immediately, he returned back home and searched for his wife in several places, but he could not trace her. Thereafter, he came to know that the third respondent abducted his wife. Hence, the petitioner preferred a complaint before the second respondent police on 05.06.2017. On receipt of the complaint the second respondent police registered a case in Crime No.388 of 2017 for 'Women Missing'. Since no effective steps were taken by the second respondent police, the petitioner has filed the present Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the respondent police produced the detenu. When we enquired the detenu, she has stated that on account of the harassment given by the petitioner, unable to tolerate the same, on her own accord, she went out of the home. Moreover she expressed her willingness to join her husband.

4.In view of the above, since the detenu is a major aged about 40 years and she is willing to go along with the petitioner/husband, in our considered opinion, nothing survives for adjudication in the Habeas Corpus petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

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

NS

JS/KP/SAR.1/15.12.2017/2P-4C

Order made in  
**H.C.P. (MD)No.1513 of 2017**  
Dated:22.11.2017