



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

WEB COPY

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

H.C.P.[MD].No.1576 of 2017

Manickam

: Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur.
2. The Sub Inspector of Police,
Chinthamanipatti Police Station,
Karur District.

3. Malathi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the detenu, namely, Solairaj, aged about 27 years, Son of Manickam before this Court and set him at liberty.

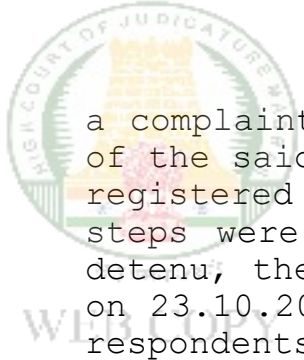
For Petitioner	:	Mr. M.Sankar
For Respondents 1&2	:	Mr. C.Mayilvahana Rajendran Additional Public Prosecutor
For Respondent No.3	:	No appearance

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 father of the detenu, seeking a Writ of Habeas Corpus, directing the second respondent to produce the detenu, namely, Solairaj, aged about 27 years, before this Court and set him at liberty.

2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that the detenu/petitioner's son got married to one Nanthini. Thereafter, due to some matrimonial dispute, the detenu developed the illegal intimacy with the third respondent and went along with her. Since all the efforts taken by the petitioner to trace out his son was failed, the petitioner made



a complaint before the second respondent on 23.09.2017. On receipt of the said complaint, on the same day, the second respondent police registered the complaint in C.S.R.No.123 of 2017. Since no effective steps were taken by the second respondent police to trace out the detenu, the petitioner sent a representation to the first respondent on 23.10.2017. In spite of his complaint, no steps were taken by the respondents 1 and 2 to secure the detenu. Hence, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. On enquiry, he denied the allegation made in the complaint that he has illegal intimacy with the third respondent and he further stated that on his own volition, he left his house. He has further stated that he is not in illegal custody. It is stated by the learned counsel for the petitioner that due to illness, the petitioner/father of the detenu was not able to appear before the Court today, instead, mother of the detenu was present before the Court. When we enquired the detenu, he expressed his willingness to join with his parents.

4. In view of the above, since the detenu is not in illegal custody, in our considered view, nothing survives for further adjudication in the 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,
Karur District, Karur.
2. The Sub Inspector of Police,
Chinthamanipatti Police Station,
Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PJL

TE/KP/SAR-4 : 24/11/2017 : 2P/4C

ORDER MADE IN
H.C.P.[MD].No.1576 of 2017
13.11.2017