



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.1633 of 2017

Mariya Amalraj : Petitioner
vs.

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

2. The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District

3. Poonkodi : Respondents

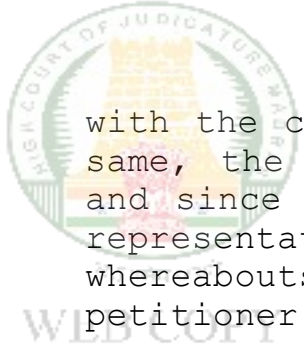
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure and produce the body or person of the petitioner's wife namely Amala, aged about 32 years and the petitioner's children Saradha (10 years) and Mari (4 years) daughters of Maria Amalraj (Petitioner), the detenu, who may be in the illegal custody of somebody else and produce before this Court and set them at liberty.

For Petitioner	: Ms.T.Kalaiselvi
For Respondents	: Mr.C.Mayilvahana Rajendran
for R1 & R2	Additional Public Prosecutor
	No appearance for R3

ORDER

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

The petitioner is the husband of the detenu. In the affidavit filed in support of the petition, it is averred that the marriage between the petitioner and the detenu took place on 13.07.2006. Due to wedlock, the detenu gave birth to two female children. While so, the third respondent often visited the house of the petitioner and on the advise given by her, the petitioner's wife compelled him to stay at her parents home and the same was not accepted by the petitioner. Thereafter, the detenu/wife along



with the children found missing from 15.10.2017. Pursuant to the same, the petitioner has given a complaint to the 2nd respondent and since no effective steps have been taken, he has preferred a representation to the 1st respondent. Even thereafter, since the whereabouts of the detenu and the children were not known, the petitioner is before this Court with this petition.

2. Today, when the matter was taken up for consideration, the detenu along with her children were produced by the respondent police. On enquiry, she has stated that she is not under the illegal custody of anybody and she expressed her unwillingness to go with the petitioner herein.

3. In view of the said categorical statement given by the detenu, we are of the view that nothing survives for adjudication in the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

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

RR

VB/KK/SAR1/28/11/2017/2P/4C

Order made in
H.C.P. (MD) No.1633 of 2017
13.11.2017