



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM:

WEB COPY

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

H.C.P.(MD)No.1659 of 2017

V.Periyasamy : Petitioner

vs.

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

2.The Inspector of Police
Ethakoil Police Station,
Theni District

3.Ramar

4.Moorthy : 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 of the son of the petitioner, the detenu, namely, P.Chinnaraja aged about 21 years, S/o.V.Periyasamy before this Court who is under illegal custody of respondents 3 and 4 and set him at liberty.

For Petitioner	: Mr.P.Muthuchamy
For Respondents	: Mr.C.Ramar
for R1 and R2	Additional Public Prosecutor
for R3 and R4	: No appearance

ORDER

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

The petitioner is the father of the detenu, viz., P.Chinnaraja, aged 21 years. In the affidavit, it has been stated that the detenu is studying third year graduation in Kammavar Arts College, Kodivilarpatti, Theni District. While so, the 3rd and 4th respondents approached the petitioner stating that their daughter and the detenu are in love with each other and they proposed for the marriage of their daughter with the detenu. But the petitioner refused the said proposal, as his son is studying. Thereafter, on 03.10.2017, the petitioner's son went to College but he did not return. Therefore, the petitioner preferred a complaint to the



respondent police on 04.10.2017. Since no effective steps were taken, the petitioner is before this Court.

2. Today, when the matter was taken up for consideration, the detenu has been produced by the respondent police. When we enquired, he categorically stated that he is not in the illegal custody of any one. He further stated that he is presently working in Thiruppur and denied the allegation that he was illegally detained by the third respondent. Further, he has expressed his unwillingness to go with the petitioner.

3. Since the detenu expressed his unwillingness to go along with his father/petitioner and since he is a major and not under the illegal custody of anyone, we have been left with no other option except to close this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

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

2.The Inspector of Police
Ethakoil Police Station,
Theni District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.P.Muthuchamy, Advocate, SR.No.88728

RR
RL/5C/2P/SKN/RSK/SAR1/12/12/2017

Order made in
H.C.P. (MD) No.1659 of 2017