



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2017**

CORAM:

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

AND

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

H.C.P.[MD].No.1811 of 2017

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: Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Nanguneri Circle, Nanguneri,
Tirunelveli District.

3. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the third respondent to produce the body or person of the petitioner's son, namely, Shanmugavel, S/o.Ganakkan, aged 31 years, before this Court and set him at liberty .

For Petitioner : Mr.M.Subash Babu

For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

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 mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Shanmugavel, S/o.Ganakkan, aged about 31 years, before this Court and set him at liberty.

2. According to the petitioner, her son, the detenu herein, was working in Dubai for the past ten years and came back to India on 15.11.2017. On 08.12.2017, near Indira Colony, at Nanguneri, her son was abducted by some rowdy elements. In this regard, a complaint was preferred and a case in Crime No.370 of 2017 was



registered for the offences under Sections 341, 147, 363 of the Indian Penal Code @ 341, 147, 363, 120(b), 323, 364 and 506(ii) of the Indian Penal Code. In connection with the said case, four accused persons were arrested and remanded to judicial custody. Thereafter, on the very same day, i.e, on 08.12.2017, the police officials attached to the third respondent came and took the son of the petitioner to the Police Station. Since the son of the petitioner did not return back home, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the detenu appeared before this Court. When we enquired the detenu, he has stated that he is aged about 31 years and fearing for the accused persons, on his own volition, he went to the house of his friends. He has further stated that he is not in illegal custody. He has also stated that now he is willing to join the hands of his mother.

4. In view of the above, since the detenu is not in illegal custody, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Nanguneri Circle, Nanguneri,
Tirunelveli District.
3. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

NB

VB/SV/MMS/SAR4/05/01/2018/2P/5C