



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 01.03.2017  
CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**  
**AND**  
**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.259 of 2017

Kalyani

: Petitioner

Vs.

State Rep. by its

1. The Superintendent of Police,  
Tirunelveli District.

2. The Inspector of Police,  
Chokkampatti Police Station,  
Kadayanallur Taluk,  
Tirunelveli District.

3. Maheswari

4. Easakkiyammal

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce in person or body of the petitioner's husband namely Pagavathy Pandian, son of Ponnaiya Devar, aged about 33 years before this Court and set him at liberty.

For Petitioner : Mr.V.Muthuvelan

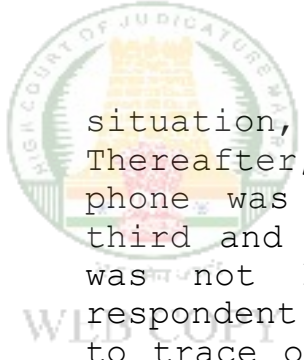
For Respondents 1&2 : Mr.K.S.Duraipandian  
Additional Public Prosecutor

### **O R D E R**

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

The petitioner, who is the wife of the detenu-Pagavathy Pandian, son of Ponnaiya Devar, aged about 33 years, has filed the present Habeas Corpus Petition, stating that the marriage between her and the detenu took place in the year 2009. The detenu is a mason by profession and due to employment, he went to Kerala. While so, the detenu had developed illicit intimacy with the third respondent. Due to the said relationship, the detenu did not come to meet the petitioner. Hence, the petitioner lodged a complaint to the second respondent on 04.06.2015. On enquiry, it came to be known that the detenu was residing with the third respondent in Kumbi, Kerala. Thereafter, compromise was made and pursuant to the said compromise, the detenu left the third respondent. In this



situation, again, the detenu went to Kerala for employment. Thereafter, there was no communication from him and his mobile phone was also switched off. The petitioner also enquired the third and fourth respondents. But, the whereabouts of the detenu was not known. Hence, she made a complaint to the second respondent on 24.01.2017. However, no effective steps were taken to trace out the detenu so far. Hence, the petitioner has come up with the present petition.

2. Today, when the matter was taken up for consideration, the second respondent produced the detenu before this Court. On our enquiry, he had stated that he is in Kerala and he is not in illegal custody of anybody. Furthermore, he expressed his willingness to go along with the petitioner.

3. Recording the submission made by the detenu, the Habeas Corpus Petition is closed as nothing survives for adjudication.

Sd/-

Assitant Registrar(CS III)

/True copy/

Sub Assistant Registrar

To

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

SML

AAM-CM MSA/14.03.2017 2P 4c

Order made in  
H.C.P.[MD].No.259 of 2017  
Dated : 01.03.2017