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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.591 of 2017

M.Sivaranjani : Petitioner

Vs.

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

2.The Inspector of Police,
Moonradaippu Police Station,
Tirunelveli District.

3.M.Seenivasahan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the detenu, namely, Masilamani Sasikumar, S/o. Seenivasagan, aged about 27 years, from illegal detention of the third respondent and set him at liberty.

For Petitioner : Mr.M.Mohan Gandhi

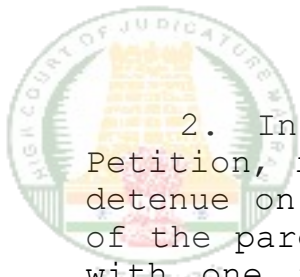
For Respondents 1 & 2 : Mr. C.Mayilvahana Rajendran
Additional Public Prosecutor

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 wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2, to produce the detenu, namely, Masilamani Sasikumar, S/o.Seenivasagan, aged about 27 years, from the illegal detention of the third respondent and set him at liberty.



2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that the petitioner got married to the detenu on 07.07.2013 as per the Christian rites against the wishes of the parents of the detenu. Due to the wedlock, they are blessed with one female child. At the time of marriage, the detenu was working as Data Entry Operator and thereafter, he lost his job and hence, on 11.12.2016, the detenu went to Chennai to secure a job. After going to Chennai, the detenu was contacting the petitioner through phone for few days. Thereafter, he stopped from contacting her. The petitioner made several steps to contact him and she could not succeed. Later, she came to know that the third respondent, who is the father of the detenu had illegally detained her husband in a secret place. Hence, she lodged a complaint to the second respondent on 31.03.2017. On receipt of the said complaint, the second respondent police registered the First Information Report. Since no effective steps were taken by the second respondent police to trace out the detenu, 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 and he stated that on his own volition, he went to Chennai. He has further stated that he is not in illegal custody and he also expressed his willingness to go along with his wife.

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(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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

PJL

RL/4C/2P/KK/SAR1/27/11/2017