



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **25.10.2017**

CORAM:

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

AND

THE HONOURABLE MR. JUSTICE **A.D. JAGADISH CHANDIRA**
H.C.P. [MD]. No. 702 of 2017

J.Thulasi Rani

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Karur District.

2.The Inspector of Police,
Pasupathipaalayam Police Station,
Karur District.

3.Saravanan

... 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 the person or body of detenu viz., Chandrahasan, S/o. Jogaraj, aged about 14 years before this Court and handover the custody to the petitioner.

For Petitioner	: Mr.T.Antony Arul Raj
For R1 & R2	: Mr.A.Ramar
	Additional Public Prosecutor
For R3	: No appearance

O R D E R

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

The petitioner is the mother of the detenu viz., Chandrahasan, aged about 14 years. She is the Srilankan Refugee and she is residing in Srilankan Refugees Camp, Bhavani Sagar, Erode. The marriage between the petitioner and one Jogaraj was solemnised 14 years ago and due to wedlock, she gave birth to one male child viz., Chandrahasan, who is the detenu herein. Subsequently, due to some misunderstanding, the petitioner was sent out of the matrimonial home and her husband Jogaraj married some other woman. Thereafter, the petitioner came into contact with the third respondent and started to live together. The petitioner is having two children through third respondent. While so, after due course, the third respondent started to harass the petitioner both physically as well as mentally. When the petitioner questioned him, the third respondent started to



threaten the petitioner. The petitioner was also detained in house arrest. On 30.03.2017, the petitioner escaped from that house along with her children viz., Vijitha and Jishwa and came back to Refugees Camp at Erode. Her elder son Chandrahasan, the detenu born through Jogaraj was illegally detained by the third respondent. In this regard, the petitioner gave a representation on 14.03.2017 to the respondents 1 and 2 to secure the detenu from illegal custody of the fourth respondent. Since no action was taken, the petitioner has come forward to file the present Habeas Corpus Petition.

2. Today, when the matter is taken up for consideration, the detenu was produced. The petitioner and the third respondent are also present before us. When we enquired, the detenu fairly stated that he is not willing to go along with his mother. Further, he stated that the third respondent is taking care of and he is educating him. When we enquired, the petitioner had stated that she has no objection to have the custody of the detenu by the third respondent. Furthermore, the third respondent has also stated that he will take care of the detenu and he will educate him.

3. In view of the statements made by the respective parties, we are of the opinion that nothing survives for adjudication in this petition. Accordingly, the Habeas Corpus Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of Superintendent of Police,Karur District.

2.The Inspector of Police,
Pasupathipaalayam Police Station,Karur District.

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

Akv

MAS/SV-MMS/SAR2:13.11.2017:2P-4C

ORDER MADE IN
H.C.P. [MD] .No.702 of 2017
25.10.2017