



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

AND

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

H.C.P. [MD]. No. 89 of 2017

Ashok Kumar

: Petitioner

Vs.

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

2. The Inspector of Police,
Nagayyapuram Police Station,
Peraiyur Taluk, Madurai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents herein to produce the body or person of the detenu, the petitioner's wife - Sumathi, D/o. Alagar, aged about 27 years, before this Court and set her at liberty.

For Petitioner : Ms. A. S. Rajeswari

For Respondents : Mr. K. S. Duraipandian
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 husband of the detenu, seeking a Writ of Habeas Corpus, directing the respondents herein to produce the body or person of the detenu - Sumathi, D/o. Alagar, aged about 27 years, before this Court and set her at liberty.

2. According to the petitioner, the marriage between the petitioner and his wife was solemnized during the year 2006 and out of the said wedlock, they blessed with two children. On 25.12.2016, his wife left for seeing her children at her parental home and thereafter, she did not reach home. The petitioner searched for her at various places, but he could not find her. In this regard, the petitioner made a complaint before the second respondent. On receipt of the said complaint, the second respondent police registered a case in Crime No. 70 of 2016 for woman missing. Since there were no effective steps 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, she has stated that on account of some misunderstanding between her and her husband, she left the matrimonial home and at present, she is staying in her mother's house. She has further stated that she is not willing to go along with the petitioner, for the present and she wants to stay with her mother. She has also stated that she is not in illegal custody.

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(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.A.S.Rajeswari, Advocate Sr.No.4542

NB

AE/MR VB/07.02.2017/2p/5c

ORDER MADE IN
H.C.P. [MD].No.89 of 2017
27.01.2017