



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) No. 969 of 2017

M. Nagarathinam : Petitioner
Vs.

State represented by
The Inspector of Police
C2 Subramaniapuram Police Station,
Madurai District : Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to secure the petitioner's husband namely, Murugesan, S/o. Rajarathinam, 52 years, and to produce the detenu before this Court either person or body and set him at liberty.

For Petitioner : Mr. J. Senthilkumar
For Respondent : Mr. C. Ramesh
Additional Public Prosecutor

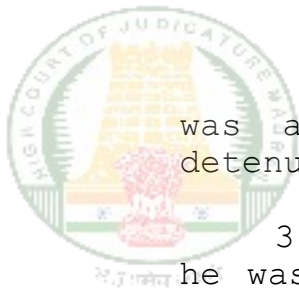
ORDER

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

This petition has been filed by the wife of the detenu, viz., Murugesan, aged 52 years. It is alleged that the detenu was found missing from 21.05.2017. Therefore, the petitioner preferred a complaint to the respondent police and since no effective steps were taken, she is before this Court.

2. When the matter was taken up for hearing on 24.11.2017, this Court passed the following order:

"The present Habeas Corpus Petition has been filed by the wife of the detenu to direct the respondents to secure the petitioner's husband, namely, Murugesan, S/o. Rajarathinam, aged about 52 years and produce before this Court either person or body.



was absent and the respondent police produced the detenu and the petitioner.

3. When we enquired the detenu, he has stated that he was working as an Advocate Clerk and he got an ex-parte decree of divorce in the year 2003 itself. Even after divorce, the petitioner/wife is frequently visiting him and giving torture. Hence, he left Madurai and went to Gujarat. When we enquired the petitioner/wife, she has stated that the detenu borrowed more than Rs.8 lakhs and left the place and now she is facing problem. Thus, the petitioner prays this Court to direct the detenu to settle the amount.

4. However, since the dispute is purely civil in nature in this Habeas Corpus Petition, the prayer of the petitioner cannot be considered.

5. In view of the above, we are of the opinion that the matter could be referred to Mediation and Conciliation Centre attached to this Bench, to arrive at an amicable settlement between the parties. Accordingly, this Court directs the Registry to post this matter before the Mediation and Conciliation Centre, today. If no settlement is arrived at, the Registry is directed to post the matter before this Court on 28.11.2017."

3. Today, when the matter was taken up, the detenu and the petitioner were present and they have stated that they amicably settled their issue through Mediation. Recording the same, this petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police
C2 Subramaniapuram Police Station,
Madurai District

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

RR

RL/3C/2P/JC/SAR1/11/12/2017

Order made in
H.C.P. (MD) No.969 of 2017