



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2017

CORAM:

WEB COPY

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

H.C.P.(MD)No.983 of 2017

S.Vairamuthu : Petitioner

Vs.

State rep by

1. The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

3.Mr.Muthukumar : Respondents

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 1st and 2nd respondents to secure the detainees namely Nandhini W/o.S.Vairamuthu aged 29 years, Sanjay aged 10 years and Udaya aged 8 years S/o.S.Vairamuthu from the illegal custody of the third respondent and produce before this Court and hand over the petitioner's two son and set the petitioner's wife liberty.

For Petitioner : Mr.M.Sheik Abdullah

For R1 and R2 : Mr.A.Ramar
Additional Public Prosecutor

For R3 : No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the husband of the detenu to direct the respondents 1 and 2 to secure the detenu, namely, Nandhini W/o.S.Vairamuthu aged about 29 years, Sanjay, aged about 10 years and Udaya, aged about 8 years S/o.S.Vairamuthu from the illegal custody of the third respondent and hand over the petitioner's two son before this Court and set them at liberty.



2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that the petitioner is a physically challenged person and he was serving as an Insurance Agent and now, he is working at Coimbatore, as a Production Engineer in a Private Company. It is further stated that the marriage between him and the first detenu was solemnized on 08.09.2005. Out of the wedlock, they blessed with two sons. On 13.04.2015 the first detenu and his two sons went to her parental home at Coimbatore. However, it is alleged that they did not reach Coimbatore. Thereafter, the petitioner could not contact the detenu over phone and her mobile phone was switched off. In this regard, the petitioner made a complaint before the second respondent police. On receipt of the said complaint, the second respondent police registered a case in Crime No.331 of 2017 for an offence under Section Women and Child 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 along with her two sons. When we enquired the detenu, she has stated that she went to Palani along with her two sons. She has further stated that she is willing to go along with the petitioner.

4. In view of the above, since the detenu is willing to go along with the petitioner, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
South Police Station,
Rajapalayam, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Ns

AE/KP/SAR1/27.10.2017/2P/4C