



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2017**

CORAM:

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

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

H.C.P.[MD].No.1473 of 2016

Stellamary : Petitioner

Vs.

1.State Rep by
The Superintendent of Police,
Superintendent of Police Office,
Thoothukudi District.

2.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

3.Chitralkha : 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 or person of the detenu, namely, Selvaraj, husband of the petitioner, aged 45 years, before this Court and set him at liberty.

For Petitioner : Mr.A.Thiyagarajan

For Respondents 1&2 : 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 wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, namely, Selvaraj, aged 45 years, before this Court and set him at liberty.

2. According to the petitioner, her husband borrowed money from the third respondent. Though he was regularly repaying the borrowed amount, the third respondent was continuously torturing him. On account of such torture, her husband was in depressed condition. Subsequently, from 12.10.2016 onwards, her husband was missing. 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.289 of 2016 for man missing. Since there were no effective steps taken by the second respondent police, 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, the detenu has stated that though he was continuously repaying the borrowed amount, he was tortured by the third respondent, asking exorbitant interest. Even though he made a complaint in this regard, the police also threatened him. He has further stated that on his own volition, he left the home and he is not in illegal custody.

4. Since the detenu is not in illegal custody, there is no need for any adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

NB

MAS:SS2-KSM:23.01.2017: 2P/4C

ORDER MADE IN
H.C.P.[MD].No.1473 of 2016
05.01.2017