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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
H.C.P.[MD].Nos.1526 and 1678 of 2016

S.Jeyaraj : Petitioner in H.C.P.(MD).No.1526 of 2016
Malathi : Petitioner in H.C.P.(MD).No.1678 of 2016

Vs.

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2.The State, rep by
The Sub Inspector of Police,
Palavoor Police Station,
Palavoor, Tirunelveli District.
: Respondents in in H.C.P.(MD).No.1526 of 2016

1.The Superintendent of Police,
Tirunelveli District.
2.The Inspector of Police,
All Women Police Station,
Valliyur, Tirunelveli District.
3.The Sub-Inspector of Police,
Palavur Police Station, Palavur,
Tirunelveli District.
3.Jegatha
5.Selvi
6.Manu
7.Dhass : Respondents in in H.C.P.(MD).No.1678 of 2016

PRAYER in H.C.P.(MD).No.1526 of 2016: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body or her corpus namely, Jegatha, D/o.Jeyaraj, Female, aged about 27 years, originally, residing at Palavoor Village, Radhapuram Taluk, Tirunelveli District before this Court and set her at liberty forthwith.

PRAYER in H.C.P.(MD).No.1678 of 2016: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detenues, viz., 1).Petitioner's husband, namely, Rajesh Kumar, S/o Dhass aged 29 years, 2).her son Rethishkumar, S/o.Rajeshkumar, aged 8 years, and 3).her daughter Agalya D/o.Rajeshkumar, aged 7 years, who had been illegally detained by the fourth respondent and produce them before this Court and set them at liberty .



H.C.P.(MD).No.1526 of 2016

For Petitioner
For Respondents

: Mr.S.Palanivelayutham
: Mr.K.S.Duraipandian
Additional Public Prosecutor

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H.C.P.(MD).No.1678 of 2016

For Petitioner
For Respondents 1 to 3

: Mr.D.Saravanan
: Mr.K.S.Duraipandian
Additional Public Prosecutor

COMMON ORDER

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

H.C.P.(MD).No.1526 of 2016 has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the body or her corpus namely, Jegatha, D/o.Jeyaraj, Female, aged about 27 years, before this Court and set her at liberty.

2. The case of the petitioner is that her daughter - Jegatha was found missing from 03.10.2016 onwards. In this regard, the petitioner forwarded a representation to the second respondent police. Since no action has been taken, the petitioner has come up with the present Habeas Corpus Petition.

3. Similarly, the wife of the first detenu - Rajesh Kumar, aged about 29 years, has come up with H.C.P.(MD).No.1678 of 2016, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the bodies or persons of the detenues, viz., 1). Petitioner's husband, namely, Rajesh Kumar, aged about 29 years, 2).her son Rethishkumar, S/o.Rajeshkumar, aged about 8 years, 3). her daughter Agalya D/o.Rajeshkumar, aged about 7 years, who had been illegally detained by the fourth respondent and produce them before this Court and set them at liberty.

4. Today, when the Habeas Corpus Petitions were taken up for consideration, the second respondent police produced the detenus. On enquiry, the detenu - Jegatha has stated that on her own volition, she left the matrimonial home along with the first detenu in H.C.P.(MD).No.1678 of 2016 and she is not in illegal custody. On enquiry, it is further revealed that none of the detenues is in illegal custody.

5. In view of the above, we are of the considered view, nothing survives for adjudication in the Habeas Corpus Petitions. Hence, the Habeas Corpus Petitions are closed giving liberty to the parties to work out their remedy in the manner known to law.

Sd/-

Assistant Registrar(P&A)



To

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

2.The Sub Inspector of Police,
Palavoor Police Station,
Palavoor, Tirunelveli District.

3.The Inspector of Police,
All Women Police Station,
Valliyur, Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench Madras High Court,
Madurai.

+1 cc to MR.D.SARAVANAN,ADVOCATE, SR NO: 574

+1 cc to MR.S.PALANIVELAYUTHAM,ADVOCATE, SR NO: 889

NB

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ORDER MADE IN
H.C.P.[MD].Nos.1526 and 1678 of 2016
04.01.2017