



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.1548 of 2016

P.Selvakumar

: Petitioner

Vs.

1.The State Rep. by its
Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.

3.Kalandi Jena @ Chinnu @ Kalia

: 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 detainee/Malarkodi, aged about 19/16, D/o.Pounraj before this Court and set her at liberty.

For Petitioner : Mr.K.Radhakrishnan

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.**]

Seeking production of the detainee-Malarkodi, aged about 19 years, the present Habeas Corpus Petition has been filed.

2. The petitioner is the brother of the detainee - Malarkodi, D/o.Pounraj, aged about 19 years. The detainee was working in Mano Industries, Alampatti Village, Tirumangalam Taluk, Madurai District. The said Industries are manufacturing polythene carry bags and plastic items, wherein the third respondent was also working. While so, on 05.11.2016 the detainee was found missing and when the petitioner enquired about his sister in Mano Industries, where she was working, he came to know that the third respondent, who belongs to Odisha, had kidnapped her and illegally detained her. Since her whereabouts was not known, he lodged a



complaint before the second respondent on 07.11.2016, based on which, a case was registered in Crime No.294 of 2016 as 'girl missing'. However, no effective steps were taken to trace out the detainee. Hence, he has come up with the present petition.

3. Today when the matter was taken up for consideration, the learned Additional Public Prosecutor submits that the petitioner's sister fell in love with the third respondent, who belongs to Odisha State and on her own volition, she went along with the third respondent and married him and both of them are living as husband and wife. In fact, the Tamil Nadu Police went to Odisha and secured her and produced before the Ex.Magistrate -cum- Rev. Officer, Sub-Collector Office, Bhadrak and there, she expressed her unwillingness to go to the parental house and she assertively stated that she is willing to stay only with her husband, the third respondent herein. However, the case is pending with the second respondent and they are proceeding with the investigation.

4. In view of the submission made by the learned Additional Public Prosecutor, since the detainee is not in illegal custody of anybody, we close the Habeas Corpus Petition, as nothing survives for adjudication. However, the second respondent is at liberty to proceed with the investigation.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District.

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

+1 cc to MR.K.RADHAKRISHNAN, Advocate SR.No.4648

Order made in
H.C.P. [MD].No.1548 of 2016
Dated: 27.01.2017