



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.[MD].No.1641 of 2016

K.B.Pushparaj : Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District, at Nagercoil.

2.The Inspector of Police,
Palugal Police Station,
Palugal, Kanyakumari District.

: Respondents

PRAYER: 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 person of the detenu namely, Manoharlal, S/o.Pushparaj, aged about 37 years, before this Court and set him at liberty.

For Petitioner : Mr.T.Vadivelan
For Respondents : 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 father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Manoharlal, S/o.Pushparaj, aged about 37 years, before this Court and set him at liberty.

2. According to the petitioner, his first wife is a divorcee and living separately and now the petitioner is living with his second wife and her children. The detenu is the elder son, born through his first wife and he had been living with him upto the year 2008. Thereafter, in the year 2008, the petitioner had arranged marriage for the detenu. However, on the day of betrothal, he escaped from the house and went to the house of the first wife of the petitioner. He came to know that the marriage took place on 30.03.2015 between his son and one Swetha. Thereafter, the



petitioner did not come to the house of the petitioner. The petitioner went in search of his son, but he could not find him anywhere. In this regard, the petitioner made a complaint before the first respondent. 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. On enquiry, he has stated that he is aged about 37 years and due to some misunderstanding between him and the petitioner, he went to Mumbai, where he has been working. He has further stated that he is not in illegal custody.

4. In view of the above, since the detenu is not in illegal custody, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District, at Nagercoil.
- 2.The Inspector of Police,
Palugal Police Station,
Palugal, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P.[MD].No.1641 of 2016
09.02.2017

NB
AM/SKN RSK/16.02.2017/2P/4C