



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2017

WEB COPY

CORAM:

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

AND

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

H.C.P. [MD] .No.1745 of 2016

K.Sivakumar : Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli District.

2.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

3.P.Ramakrishnan : 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 secure and produce the person or body of the detenu, i.e., the wife of the petitioner namely Ashwini, D/o.Viswanathan, aged about 22 years from the illegal custody of the third respondent before this Court and set her at liberty.

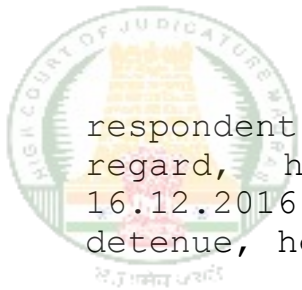
For Petitioner : Mr.K.Esakki

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 petitioner is the husband of the detenu - Ashwini, D/o.Viswanathan, aged about 22 years. He has filed the present Habeas Corpus Petition stating that the marriage of the petitioner with the detenu was held on 26.06.2013 and out of the wedlock, a female child was born on 04.11.2014. While so, on 09.12.2016, he came to know that the third respondent kidnapped his wife and a complaint was made and thereafter, the third respondent brought his wife before the second respondent and on advice, the detenu was sent to home. Thereafter, again on 11.12.2016, the third



respondent kidnapped his wife and kept her illegally. In this regard, he made a complaint to the second respondent on 16.12.2016. Since no effective steps were taken to trace out the detainee, he has come up with the present petition.

2. Today when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that prior to marriage, the detainee fell in love with the third respondent and hence, the detainee, on her own volition, went along with the third respondent. The learned Additional Public Prosecutor also submitted that there is no illegal custody in this case.

3. 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.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Tirunelveli District.

2.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

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

+1 cc to M/S.K.ESAKKI, Advocate SR.No.4568

Order made in
H.C.P. [MD].No.1745 of 2016
Dated: 27.01.2017

AE/SV-MMS/09.02.2017:2P/5C