



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

H.C.P.[MD].No.1568 of 2018

A.Bose

: Petitioner

Vs.

1. The Commissioner of Police,
Commissioner Office,
Madurai City,
Madurai District.

2. The Inspector of Police,
Koodal Pudur Police Station,
Koodal Pudur,
Madurai District.

3. Pavunraj

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus against the 1st and 2nd respondents, directing them to produce in person or body of the petitioner's elder son Sevugamoorthi, son of Bose aged about 21 years, before this Court and set him at liberty.

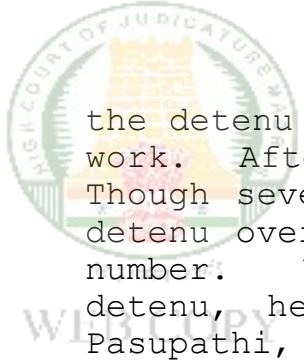
For Petitioner : Mr.J.Senthil Kumaraiah
For R-1 & R-2 : Mr.V.Neelakandan,
Additional Public Prosecutor

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 1 and 2 to produce the person or body of the detenu namely Sevugamoorthi, aged about 21 years, before this Court and set him at liberty.

2.The petitioner is the father of the detenu and he has come forward with the present Habeas Corpus Petition on the averments that the detenu Sevugamoorthi is his elder son and he finished his 8th standard and started doing construction work. On 25.09.2018,



the detenu informed him that he was going to Kerala for construction work. After going to Kerala, he has not contacted the petitioner. Though several attempts were made by the petitioner to contact the detenu over mobile-phone, there was no answer from the said mobile number. When the petitioner enquired with the friends of the detenu, he came to know that the detenu got married with one Pasupathi, D/o.Arumugam. Further, he came to know that the detenu is under the illegal custody of the said Pasupathi's mother and her son-in-law namely one Pavunraj, the third respondent herein. Therefore, on 07.10.2018, the petitioner along with his wife, went to the house of the said Arumugam and asked about the detenu. But, no proper answer was given. Hence, after lodging a complaint with the respondents 1 and 2 on 23.10.2018, he has filed this Habeas Corpus Petition for the aforesaid prayer.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the detenu was produced before this Court. When we enquired the detenu, he has stated that he is not in illegal custody of anybody. He has further stated that since there was some misunderstanding between him and his father, he left the home voluntarily and went to Kerala and presently, he is working there.

4. In view of the above, since the detenu is a major aged about 21 years, this Court has no other alternative except to allow him to take his own decision. Hence, recording the said submission made by the detenu, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner of Police,
Commissioner Office,
Madurai City,
Madurai District.
2. The Inspector of Police,
Koodal Pudur Police Station,
Koodal Pudur, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

PM

TE/SKN/SAR-4 : 05/12/2018 : 2P/4C

ORDER MADE IN
H.C.P (MD) No.1568 of 2018
09.11.2018