



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.11.2018

CORAM:

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

H.C.P. (MD) No.1418 of 2018

A.Sahul Hameed : Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District
Nagercoil.

2.The Inspector of Police,
Puthukadai Police Station,
Puthukadai Post
Kanyakumari District.

3.Saleem

4.Sabab : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the detenu namely Tmt.Ayshath Beevi, W/o.Shahul Hameed aged about 43 years from the illegal custody of the third respondent before this Court and set her at liberty.

For Petitioner : Mr.M.Saravanakumar

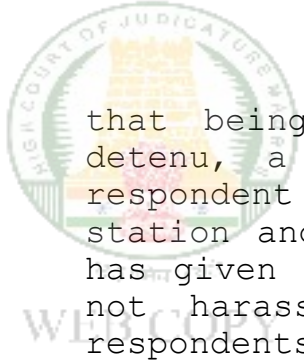
For Respondents : Mr.V.Neelakandan for R1 & R2
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner to produce his wife, Ayshath Beevi, aged 43 years before this Court and set her at liberty.

2. The petitioner is the husband of the detenu. In the affidavit, it is averred that the third respondent is the first husband of the detenu and the marriage between the third respondent and the detenu took place in the year 1995. While so, due to matrimonial dispute, O.S.No.62/2017 has been filed for a declaration declaring the marriage is null and void and the same has been allowed on 21.12.2017. The fourth respondent is the son of the third respondent and the detenu. Subsequently, on 25.05.2018, the detenu married the petitioner and living with the petitioner herein. When



that being so, since the third respondent gave trouble to the detenu, a complaint has been given on 01.09.2018 to the first respondent and the same has been forwarded to All Women Police station and on enquiry, the third respondent, admitting his guilt, has given an undertaking before the respondent police that he will not harass the detenu any more. However, on 18.09.2018, the respondents 3 and 4 trespassed into the house of the petitioner and kidnapped the detenu. Therefore, a complaint came to be lodged with the first respondent police on 26.09.2018 and since no effective steps were taken, the petitioner is before this Court with this petition.

3.Today, when the matter is taken up for hearing, the detenu has been produced by the respondent police. On enquiry, the detenu stated that she has joined the petitioner and is living with him peacefully.

4. In view of the submission made, nothing survives for further adjudication in this petition. Accordingly, this petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Superintendent of Police,
Kanyakumari District
Nagercoil.
- 2.The Inspector of Police,
Puthukadai Police Station,
Puthukadai Post
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.Saravanakumar, Advocate, SR.No.94813

H.C.P. (MD) No.1418 of 2018
12.11.2018

RR
ES/PM/SAR 3/19.12.2018/2P/5C