



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.385 of 2019

P.Thangaraj

... Petitioner

Vs.

1. The District Superintendent of Police,
O/o. District Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.
3. The Inspector of Police,
Malli Police Station,
Virudhunagar District.
4. B.Muniyandi
5. M.Rajeswari
6. Raja @ Nagaraj

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents No.1 to 3 to produce the person or body of detainee namely Nagarani, aged about 28 years, daughter of P.Thangaraj and her minor children namely Aswanth, S/o. Balakrishnan and Mohith S/o. Balakrishnan, aged about 11 and 7 respectively before this Hon'ble Court and set them at liberty.

For Petitioner

: Mr.R.Ganesh Prabu

For Respondents 1 to 3

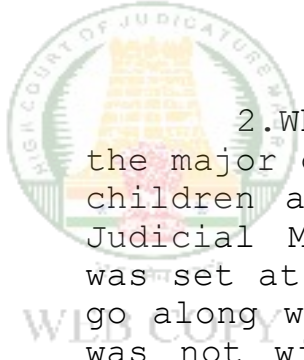
: Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner is the father of the major detainee viz., Nagarani, aged about 28 years and maternal grand-father of two minor detenus viz., Aswanth, aged about 11 years and Mohith, aged about 7 years and alleging their illegal detention at the hands of the private respondents, he came forward to file the present Habeas Corpus Petition and it was entertained.



2. When the matter is called today, it is represented that the major detenu eeloped with the 6th respondent along with her two children and they were secured and produced before the Court of Judicial Magistrate No.II, Srivilliputhur and the major detenu was set at liberty and the second minor detenu Mohith consented to go along with her mother. However, the first minor detenu Aswant was not willing to go along with her mother and therefore, the learned Judicial Magistrate passed orders taking into account the decision of the Division Bench of this Court in **A. Ruby v. State [2011(3) CTC 368 (DB)]**.

3. It is represented by the learned counsel appearing for the petitioner that subsequently, there was a compromise, wherein the custody of two minor children were handed over to the petitioner and at present they are in his custody. The learned counsel would further add that the major detenu Nagarani continues to be in the company of the 6th respondent.

4. In the light of the above, nothing remains for adjudication in this Habeas Corpus Petition. Therefore, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Sj

To

1. The District Superintendent of Police,
O/o. District Superintendent of Police,
Virudhunagar District.
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
3. The Inspector of Police,
Malli Police Station, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.Ganesh Prabu, Advocate in SR.No.69808

H.C.P(MD)No.385 of 2019