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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.550 of 2019

R.Selvaraj

... Petitioner

Vs.

1.The Superintendant of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
South Police Station,
Dindigul,
Dindigul District.

3.Ajith

4.Prabhakaran

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to secure the detenus namely Rubi Sahayarani, wife of R.Selvaraj, aged about 27 years and Satha Jo Daughter of R.Selvaraj aged about 1 year and to produce the detenus or bodies of the detenus before this Court and to set them at liberty.

For Petitioner

: Mr.M.Benazir Begum

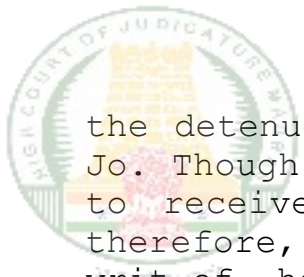
For Respondents

: Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 & R.2

O R D E R

(Order of the Court was made by **B.PUGALENDHI, J.**)

The petitioner is the husband of the major detenie namely Rubi Sahayarani and their marriage was solemnised on 03.09.2017. Out of the wedlock, the minor detenie namely Sathana Jo was born to them. Third and fourth respondents are the brothers-in-law of the petitioner and the brothers of the detenie Rubi Sahayarani. On 21.03.2019 when the parents of the petitioner were out of station and the petitioner was in job, the third and fourth respondents along with some rowdy elements abducted the petitioner's wife /



the detainee namely Rubi Sahayarani and his minor daughter Sadhana Jo. Though he preferred a complaint, the second respondent refused to receive the complaint, as it is a matrimonial discord and therefore, the petitioner approached this Court for issuance of a writ of habeas corpus.

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2.The Additional Public Prosecutor accepted notice on behalf of the official respondents on 25.06.2019 and sought permission to get instructions.

3.Today, a mention was made by the learned Additional Public Prosecutor to take up this matter that the detainees have been secured and therefore, this habeas corpus petition is taken up for hearing with a direction to the learned Additional Public Prosecutor to inform the learned Counsel for the petitioner.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5.The detainees have been produced before this Court in the presence of the petitioner and in the presence of the learned Counsel for the petitioner.

6.The detainee Rubi Sahayarani, on enquiry, would state that on account of difference of opinion with her husband / petitioner, she left the matrimonial home, on her own volition and at present, she is residing with her brothers. She also expressed her willingness to go with her husband / petitioner.

7.The brothers of the major detainee as well as the petitioner were also enquired.

8.In the light of the fact that the major detainee is willing to go with her husband / petitioner, who is also present along with her minor child, no further orders are required to be passed in this petition.

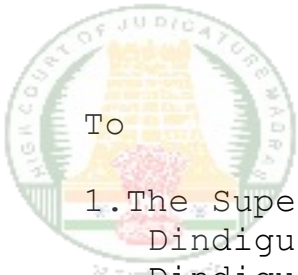
9.In the result, this habeas corpus petition is disposed of.

Sd/-

Assistant Registrar (C.O)

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Sub Assistant Registrar (CS)



To

1.The Superintendant of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
South Police Station,
Dindigul,
Dindigul District.

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

H.C.P (MD) No.550 of 2019
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CS (07.08.2019) 3P 4C