



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P. (MD)No.911 of 2019

Thiruppathy : Petitioner

Vs.

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

2.The Inspector of Police (Circle)
E3 Anna Nagar Police Station,
Madurai City.

3.Jeyaganesh

4.The Inspector of police,
All Women Police Station
Madurai South.

: Respondents

(R4 has been suo-motu impleaded as per order of this Court dated 16.09.2019)

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 1st and 2nd respondents to produce the person or body of detenu namely, Alagu Meena daughter of Thiruppathy aged about 17 years before this Court and handover the custody to the petitioner.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

Pursuant to the orders passed by this Court on 30.09.2019, this case was posted today directing the learned Additional Public Prosecutor to take instructions and report before this Court regarding the statement recorded under Section 164 of the Code of Criminal Procedure from the detenu. The learned Additional Public Prosecutor on instructions, submitted that the 164 Cr.P.C.



statement was recorded on 01.10.2019 and a copy of the same was also placed before us.

2.A reading of the 164 Cr.P.C. statement shows that the detenue and the third respondent were in love with each other and they had eloped. They were not able to settle down and it looks like that they were roaming around near Tenkasi, Papanasam and Tirunelveli, ultimately, they both were secured. We do not find any offence said to have been committed by the third respondent.

3.In view of the fact that the parents of the detenue wanted the detenue to be married to the third respondent after she completes her studies, no useful purpose will be served in keeping the criminal case pending against the third respondent.

4.In the result, this Habeas Corpus Petition is disposed of with a direction to the respondent police to record the statement of witnesses and close the case.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police (Circle)
E3 Anna Nagar Police Station,
Madurai City.
- 3.The Inspector of police,
All Women Police Station
Madurai South.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

H.C.P. (MD)No.911 of 2019

Dated: 04.10.2019

RR

VB(23.10.2019) 2P 5C