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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.995 of 2020

Malaisamy ... Petitioner/Husband and father of the detenues

-vs-

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

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

3.Mookan @ Thangam

4.Panchu ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the Petitioner's wife namely Murugeswari, wife of Malaisamy, aged about 21 years and the Petitioner's child namely Sridhivya, daughter of Malaisamy, aged 7 months old from the illegal custody of the respondents 3 and 4 before this Court and set them at liberty.

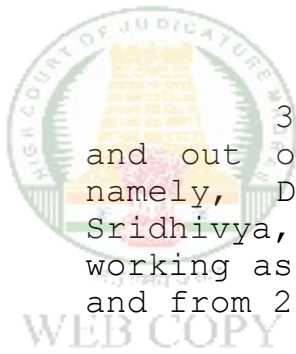
For Petitioner : Mr.M.Murugesan
For Respondents : Mr.K.Dinesh Babu
1 and 2 Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

Heard Mr.M.Murugesan, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed before this Court.

2.The prayer in the Habeas Corpus Petition is to direct the respondents 1 and 2 to produce the petitioner's wife namely, Murugeswari, aged 21 years and his minor daughter Sridhivya, aged 7 months from the illegal custody of the respondents 3 and 4 and set them at liberty.



3. According to the Petitioner, he married the first detenu and out of their lawful wedlock, they are having two children namely, Devasudan, aged 2 1/1 years and a daughter namely, Sridhivya, aged 7 months old. He would further state that he was working as a Cashier in a Tea shop at Melur Taluk, Madurai District and from 20.09.2020, his wife and daughter are found missing.

4. Mr. K. Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that based on the complaint of the Petitioner, a case in Crime No. 1096 of 2020 has been registered by the second respondent Police on 7.11.2020. After receiving telephone call from the first detenu from Pollachi, the father of the first detenu brought her back along with the minor child and both of them are ready to go with the Petitioner.

5. During the hearing, the Petitioner as well as the detenues appeared before this Court through video-conferencing from the Additional Public Prosecutor's Office and they have not disputed the statement made by the learned Additional Public Prosecutor. It is further stated that the detenues are ready to go with the Petitioner, which is also accepted by him.

6. In view of the above facts, this Court is of the view that nothing survives for consideration in this Habeas Corpus petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

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

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



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

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