



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.219 of 2021

M.Vijila

... Petitioner

-VS-

State rep. by,

1.The Superintendent of Police,
Kanyakumari District at
Nagercoil.

2.Inspector of Police,
Nithravilai Police Station,
Kanyakumar District.

3.R.Latha

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the petitioner's husband R.Dasan, aged 46 S/o Ramasamy, before this court and set him at liberty.

For Petitioner : Mr.M.Francis Xavier

For Respondents :Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed for a direction to the respondents to produce the petitioner's husband, namely, R.Dasan, aged about 46 years before this Court and set him at liberty.

2.The petitioner would claim that she married the detenu about 16 years ago and they are having a son by name, B.V.Danish, aged about 15 years.She would further state that the detenu is an Ex-Serviceman and after his retirement,he was working in Saudi Arabia and came back India on 23.12.2020.It is alleged that the third respondent is her sister in law and she is insisting her husband,the detenu herein to go for diverse.While so, he is found missing from 23.12.2020.Hence,she lodged a complaint with the



respondent on 15.01.2021 and thereafter, sent a representation to the first respondent on 16.01.2021. Since no appropriate action has been taken, she has come up with this petition.

3. When the matter is taken up for hearing today, the detenu appeared before this Court and stated that he is now residing with his mother in the same village and it is known to the petitioner also. He further stated that his earning from the Military Service and the pension amount have been withdrawn by the petitioner without his knowledge. When it was questioned, misunderstanding arose between them. During enquiry, he expressed his willingness to go for mediation.

4. The learned counsel for the petitioner Mr.D.Anbarasu would also state that there is no serious allegation between the petitioner and the detenu and hence, the dispute could be amicably settled in the mediation process.

5. In the light of the above statement of the detenu, we find no merit in the habeas corpus petition and hence, the same is closed. However, we direct the petitioner and the detenu to go before the Mediation Centre, District Court at Nagercoil to explore the possibility of settlement. The parties shall appear before the Mediation Centre, District Court at Nagercoil on 04.03.2021.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skn

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,
Kanyakumari District at Nagercoil.

2. Inspector of Police,
Nithravilai Police Station,
Kanyakumar District.

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



4.The Mediation Centre,
District Court, Nagercoil.

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