



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

and

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

H.C.P. (MD) No.1998 of 2021

A.Kamaraj ... Petitioner / Father of the detenue

Vs.

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

2.The Deputy Superintendent of Police,
Bodinayakkanur,
Theni District.

3.The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.

4.Ramar

5.Jothimani

6.Sundaramoorthy

7.Amaravathi

8.Kaliappan @ Babu

9.Pitchaimani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 to 3 to secure the detenue and produce the body or person of the detenue, viz., Pandiyammal Devi, D/o. Kamaraj, aged 34 years and minor namely Vishnu S/o. Ravikumar aged about 11 years before this Court and said to them liberty to the petitioner forthwith.

For Petitioner : Mr.R.Suriyanarayanan

For R-1 and R-3 : Mr.E.Antony Sahaya Prabhakar

Additional Public Prosecutor

O R D E R

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

Mr.E.Antony Sahaya Prabhakar, learned Additional Public Prosecutor, takes on behalf of respondents 1 to 3.



2. There is no representation on behalf of the petitioner, but we do not think that should be a good reason to keep the present Habeas Corpus Petition still on the board of this Court.

3. The petitioner, had also given a complaint pursuant to which, FIR in Crime No.206 of 2021 had been registered by Bodinayakkanur Town Police Station on 18.04.2021 as "woman missing" and "boy missing". The woman missing and boy missing are said to be the wife and son of the petitioner herein.

4. It is stated by the learned Additional Public Prosecutor that on enquiry into the averments made in the First Information Report, they had found that the said woman and the boy were not actually missing. They are now residing in Chennai, of their own choice. It is for the petitioner therefore to take necessary action in manner known to law and a Habeas Corpus Petition in this regard, may not strictly lie.

5. In view of the same, recording further that the First Information Report has also been closed on the ground of "action dropped", this Habeas Corpus Petition is dismissed, giving liberty to the petitioner to proceed further in manner known to law with respect to his marital life and exercising his rights as a father of his son.

Sd/-

Vacation Officer /
Assistant Registrar (CO)

// True Copy //

/ /2022

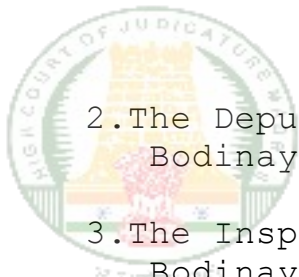
Sub Assistant Registrar(CS)

rm/nsr

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,
Theni District, Theni.



2.The Deputy Superintendent of Police,
Bodinayakkanur, Theni District.

3.The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.

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

**ORDER MADE IN
H.C.P. (MD) No.1998 of 2021
29.12.2021**

NA (CO)
SB(03.01.2022) 3P 5C