



H.C.P.(MD) No.500 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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A.Weston Suthakar

... Petitioner / Husband & Father
of the Detenue

Vs.

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

2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

3.G.Allwin Rajaselvan

...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 detenues, namely, (1) Jeba Thangam, D/o.Peeter



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Ponraj, aged about 37 years, (2) Minor Jebin, M/o.Jeba Thangam, aged about 13 years before this Court and set them at liberty.

For Petitioner : Mr.C.Saravanakumar
For R1 and R2 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner, seeking production of his wife and daughter, namely, Jeba Thangam, aged about 37 years, and minor Jebin, aged about 13 years, has filed this Habeas Corpus Petition.

2.It is the claim of the petitioner that the first detinue is the wife of the petitioner, the second detinue is the daughter of the first detinue and the detenuess had been taken illegally by the 3rd respondent in whose custody these detenuess are placed. That is the allegation made by the petitioner, based on which he filed this Habeas Corpus Petition.

3.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor, who takes notice on behalf of the official



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respondents, has placed a statement given by the first detainee herself dated 17.04.2023, where she has categorically stated that there has been no marriage taken place or solemnized between the first detainee and the petitioner and by taking some photographs with the detainees, the petitioner is threatening the detainees. She has further stated in the statement that she is independently residing along with her daughter and no one captive the detainees. This is the statement given by the first detainee before the respondent Police.

4.Relying upon this statement, the learned Additional Public Prosecutor for the official respondents seeks indulgence of this Court to dispose of this Habeas Corpus Petition.

5.We have considered the said submission made by the learned Additional Public Prosecutor for the official respondents and perused the materials available on record carefully.

6.In view of the said categorical statement given by the first detainee, as there has been no matrimonial relationship between the



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petitioner and the first detainee, it is for the petitioner to establish the case before the appropriate forum. As there has been no illegal custody on the part of the detainees at the hands of anyone, including the 3rd respondent, we feel that this Habeas Corpus Petition, recording the aforesaid, can be closed, accordingly, it is closed.

(R.S.K., J.) & (K.K.R.K., J.)

25.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

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

2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

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

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AND

K.K.RAMAKRISHNAN, J.

MYR

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