



H.C.P(MD)No.898 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.898 of 2023

Gandhi

.. Petitioner

vs.

1.The Inspector General of Police,
South Zone - Madurai, Madurai.

2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

3.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

4.Murugesan

5.Valli

6.Ramya

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the person or corpus of the detenu, the petitioner's son, Prasad, aged about 23 years, S/o.Gandhi before this Court and set him at liberty.



WEB COPY



H.C.P(MD)No.898 of 2023

For Petitioner : Mr.V.Kannan

For respondents : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

By consent, this petition is taken up for final disposal at the admission stage itself.

2. When the petitioner's son, enrolled in Armed Forces and stationed at Jodhpur, Rajasthan had come home during leave in May 2023 and thereafter, left on 27.06.2023 stating that he was going to report for duty went missing and had not joined the Armed Forces, the petitioner had lodged a complaint before the second respondent Police, which was registered as Crime No.217 of 2023 dated 08.07.2023 under the caption 'man missing'. It is in this background, the present Habeas Corpus Petition has been filed.

3. The learned Additional Public Prosecutor, on instructions from the respondent police submitted that the petitioner was having love affair with



H.C.P(MD)No.898 of 2023

one Ramani, D/o.Murugan and they had married each other on 03.07.2023, which was registered in No.1450/2023 in the office of the Sub Registrar, Periamet. A copy of the Marriage Certificate along with photograph of the married couple has been circulated before this Court. The learned Additional Public Prosecutor further submitted that the marriage is an inter-caste marriage, which is opposed by the petitioner herein. Likewise, he also submitted that after marriage, the petitioner had joined the Armed Forces for duty at Jodhpur, Rajasthan and right now performing his duty at his allocated duty place.

4. If that be so, we do not find any act of illegal detention which may give cause of action for the petitioner to pursue the present Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition is closed.

(M.S.R., J.) (M.N.K., J.)
20.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

mbi



H.C.P(MD)No.898 of 2023

To

WEB COPY

- 1.The Inspector General of Police,
South Zone - Madurai,
Madurai.
- 2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.898 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

mbi

H.C.P(MD)No.898 of 2023

20.07.2023