



H.C.P.(MD) No.771 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA  
and  
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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Nithyakalyani

... Petitioner

-VS-

1.The Superintendent of Police  
Pudukkottai District  
Pudukkottai

2.The Inspector of Police  
Iluppur Police Station  
Pudukkottai District

3.Karuppaiah

... 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 secure and produce the body or person of the detenu, namely, Sivakumar, son of Ramaiah, aged about 27 years and produce him before this Court.



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For Petitioner : Mr.E.Balasubramanian  
For Respondents : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor for R1 & R2  
For Detenu : Mr.K.Chinnappa

**ORDER**

**[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]**

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 and 2 to secure her brother, namely, Sivakumar, aged about 27 years, produce him before this Court and set him at liberty.

**2.** The case of the petitioner is that her younger brother Sivakumar was working in a Private Company in Pudukkottai and that he was in love with one Vijayalakshmi, daughter of third respondent, for the past five years. While so, on 22.06.2024, both of them got married at Sri Muthumariamman Temple, Thiruvapur, Pudukkottai District. The third respondent, who belongs to a different community, on coming to know about the same, had threatened the alleged missing person and his wife by saying that wherever he sees them, he would kill them. Subsequently, the petitioner's brother went missing. Apprehending danger to the life of the



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missing person at the hands of the third respondent, the petitioner has filed this habeas corpus petition.

**3.** Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the alleged missing person had married one Vijayalakshmi, daughter of third respondent. Both of them belong to two different communities. The third respondent has given a complaint before the respondent – Police stating that his daughter is missing and based on his complaint, a case in Crime No.157 of 2024 came to be registered by the respondent – Police for woman missing. During enquiry, it came to light that the petitioner's brother had married the third respondent's daughter and fearing threat from the third respondent, they were hiding themselves and on coming to know about filing of this habeas corpus petition, they appeared before the respondent – Police, who have produced them before this Court today.

**4.** We enquired the alleged missing person. On enquiry, he would submit that he and the daughter of the third respondent have got married and they belong to two different communities and apprehending threat from the third respondent, they were hiding themselves and on coming to know about



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filing of this habeas corpus petition, they appeared before the respondent – Police. He would further submit that that he and his wife are not in illegal detention of anybody.

**5.** In view of the above submission of the alleged missing person, we are of the view that he is not in illegal detention of anybody and no further adjudication is required in this habeas corpus petition. The respondents 1 and 2 are directed to give necessary protection to the petitioner's brother and his wife.

**6.** Accordingly, the habeas corpus petition is closed.

**[A.D.J.C., J.]                      [K.R.S., J.]**

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NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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To:

- 1.The Superintendent of Police,  
Pudukkottai District, Pudukkottai.
- 2.The Inspector of Police,  
Iluppur Police Station, Pudukkottai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**A.D.JAGADISH CHANDIRA, J.**  
**AND**  
**K.RAJASEKAR, J.**

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