

Shanthi Vs. 1.State Represented by

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Court : Chennai

Decided On : Jan-11-2013

Judge : M.Jaichandren

Appellant : Shanthi

Respondent : 1.State Represented by

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

11. 01/2013 CORAM THE HONOURABLE MR.JUSTICE M.JAICHANDREN and THE HONOURABLE MR.JUSTICE S.NAGAMUTHU H.C.P(MD)No.1550 of 2012 Shanthi .. Petitioner vs 1.State represented by Superintendent of Police, Tirunelveli, Tirunelveli District. 2.State represented by Inspector of Police, Sankarankovil Town, Tirunelveli District. 3.State represented by Sub-Inspector of Police, Arumbavur, Perambalur District. 4.Bharathi .. Respondents Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to direct the respondent Nos.1 to 3 to secure the petitioner's daughter, Kalaivani, aged 34, from the illegal custody of the respondent No.4 and to produce the detainee before this Court and set her at liberty. !For petitioner ... Mr.K.Prabhu ^For respondents 1 to 3 ... Mr.R.Ramachandran, Additional Public Prosecutor :ORDER (Order of the Court was made by M.JAICHANDREN, J) This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents 1 to 3 to secure the detainee, namely, Kalaivani, aged about 34 years, the daughter of the petitioner, from the illegal custody of the fourth respondent and

to produce her before this Court and to set her at liberty.

2. At this stage of the hearing of the Habeas Corpus Petition, the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 to 3, had submitted that, when the detainee had gone missing, on an earlier occasion, a complaint had been lodged by the husband of the detainee, namely, Padmanaban, before the second respondent police and the complaint was registered in Crime No.75 of 2012. Thereafter, the detainee had been produced before the learned Judicial Magistrate, Sankarankovil, on 05.03.2012, and the detainee had been handed over to her husband, namely, Padmanaban. Thereafter, the detainee had eloped, once again, with the fourth respondent.

3. in view of the said submission made by the learned Additional Public Prosecutor, appearing on behalf of the respondents 1 to 3, this Court is of the prima facie view that the detainee is not in the illegal custody of the fourth respondent, as alleged by the petitioner. Therefore, no further orders are necessary in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed. asvm To 1.The Superintendent of Police, Tirunelveli, Tirunelveli District. 2.The Inspector of Police, Sankarankovil Town, Tirunelveli District. 3.The Sub-Inspector of Police, Arumbavur, Perambalur District. 4.The Additional Public Prosecutor, Madurai Bench of the Madras High Court, Madurai.

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