

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

CORAM:

The Hon'ble Mr.Justice S.MANIKUMAR

and

The Hon'ble Ms.Justice K.B.K.VASUKI

H.C.P. No.171 of 2015

K.Sudhakar

.. Petitioner

vs.

The Inspector of Police,
E-6, Thiruporur Police Station (CRIME),
Chennai.

.. Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India praying Issue a Writ of Habeas Corpus, directing the respondent to produce the body of the detainees namely Kiruba @ Radhika W/O.Sudhakar, Hindu aged about 30 years and Sujitha minor aged about 4 years D/O.Sudhakar, before this Hon'ble Court and hand over them to them to the petitioners custody.

For petitioner : Mr.G.Ashok Kumar
For respondent : Mr.A.N.Thambidurai,
Additional Public Prosecutor.

O R D E R

Petitioner, has sought for a Writ of Habeas Corpus, directing the Inspector of Police, E-6, Thiruporur Police Station (Crime), Chennai, the respondent herein to produce his wife Kiruba @ Radhika, aged about 30 years and minor daughter Sujitha, aged about 4 years, before this Court.

2. Alleged detainee-child namely Sujitha, aged about 4 years is secured and produced before the Court on 21.01.2015. Now, she is with her maternal grand parents.

3. Petitioner is a painter. Marriage between the petitioner and the alleged detainee was solemnized on 12.09.2003 and they were blessed with a son and daughter, aged about 10 and 4 years respectively. Petitioner is a Hindu. Alleged detainee wife is a Christian. Pleadings disclose that it was a love-cum-arranged marriage. Wife is stated to have worked in FlamaCara Private Limited, Mambakkam, Chennai.

4. We have enquired the spouses. Even after 10 years of marriage, it is unfortunate, that there appears to be some dispute over religion. Father of the alleged detainee/wife was also

enquired. According to him, there were some trivial disputes between the spouses.

5. Alleged detainee Kiruba @ Radhika denies detention by anybody. According to her, as there were some bickering, she left her matrimonial home on her home and stayed in her friend's house. Both parties, as well as the parents submitted that they all are residing at No.70/9, Ambedkar Street, Kaayar, Thiruporur Taluk, Kancheepuram District. The petitioner and the alleged detainees, wife and children were living in a separate constructed portion behind the dwelling house, at the abovesaid address. During enquiry, alleged detainee Kiruba stated that she preferred to stay with her parents in the abovesaid address.

6. Inasmuch as the petitioner and his wife were already residing in a separate portion, in the same address, parents of the alleged detainee have no objection for the petitioner to reside in the same place.

7. Recording the statement of the parties, stated supra and in the absence of any material to conclude that there was any illegal detention, by anybody, the question of issuance of Writ of Habeas Corpus does not arise. Alleged detainee Kiruba @ Radhika, would stay at Door No.70/9, Ambedkar Street, Kaayar, Thiruporur Taluk, Kancheepuram District, alongwith her parents. K.Sudhakar, petitioner would stay in a separate portion behind the said address. Parties are advised to redress their grievances amicably. It is made clear that the alleged detainee and in-laws should not indulge in any activity restricting the parental care, love and affection of the petitioner towards the children.

8. With the above directions, the Writ of Habeas Corpus Petition is disposed of.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ars

To

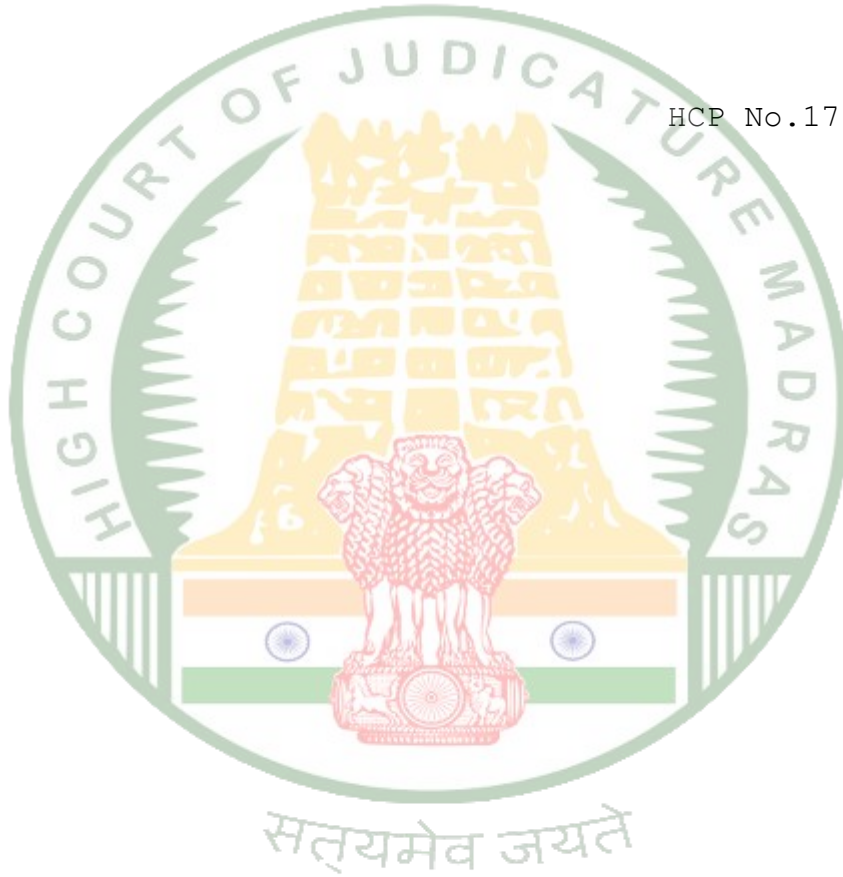
1 The Inspector of Police,
E-6, Thiruporur Police Station (Crime)
Chennai.

2. The Public Prosecutor,
High Court, Madras.

CO-VSN

ths : 20.02.2015

HCP No.171 of 2015



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