

In the High Court of Judicature at Madras

Dated: 14.12.2015

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR

and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3148 of 2015

A.Suresh Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District, Dharmapuri
2. The Inspector of Police,
All Women Police Station,
Pennagaram, Dharmapuri District.
3. The Inspector of Police,
Mahendramangalam Police Station,
Mahendramangalam,
Dharmapuri District
4. The Inspector of Police,
Palacode Police Station,
Palacode, Dharmapuri. Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to cause production of the body of the petitioner's minor children viz., daughter ponmalar aged 8 years and minor son Viswa, aged 4 years before this Court and set them at liberty.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.A.N.Thambidurai,
Addl. Public Prosecutor

O R D E R
(Order of the Court was made by R.SUDHAKAR,J.)

This Habeas Corpus Petition is filed by the father of the detenues Ponmalar and Viswa for a direction to the respondents to produce them before this Court and set them at liberty.

2. It is the case of the petitioner that the petitioner got married to the mother of the detenues and from that wedlock, two children aged 8 and 4 years were begotten. They were living in the house of his wife's adopted parents. It is stated that his wife is working as a B.T.Assistant in Government School at P.Kollapatti, Dharmapuri District and he educated her upto M.A., B.Ed. The petitioner further states that he purchased immovable property in the name of his wife out of his hard earned money. The petitioner also states that there is an illicit affair between her wife and one Rajkumar, who is also working in the same school. It is alleged that when the petitioner questioned his wife about such affair, his wife left the matrimonial home along with his children and went to her biological parents' house.

3. It is seen that there appears to be a matrimonial discord, in connection with which a case has been registered against the petitioner and the petitioner has obtained anticipatory bail in CrI.O.P.No.27868 of 2015.

4. From the above narration of facts, it could be seen that it is a clear case of matrimonial dispute between the petitioner and his wife. It is also seen that the children are under the custody of their mother, who is the natural guardian. Hence, we find that it is not a case of illegal detention warranting issuance of Writ of Habeas Corpus. Accordingly, this petition stands dismissed.

sd/-
Assistant Registrar (CCC)

/TRUE COPY/

Sub-Assistant Registrar

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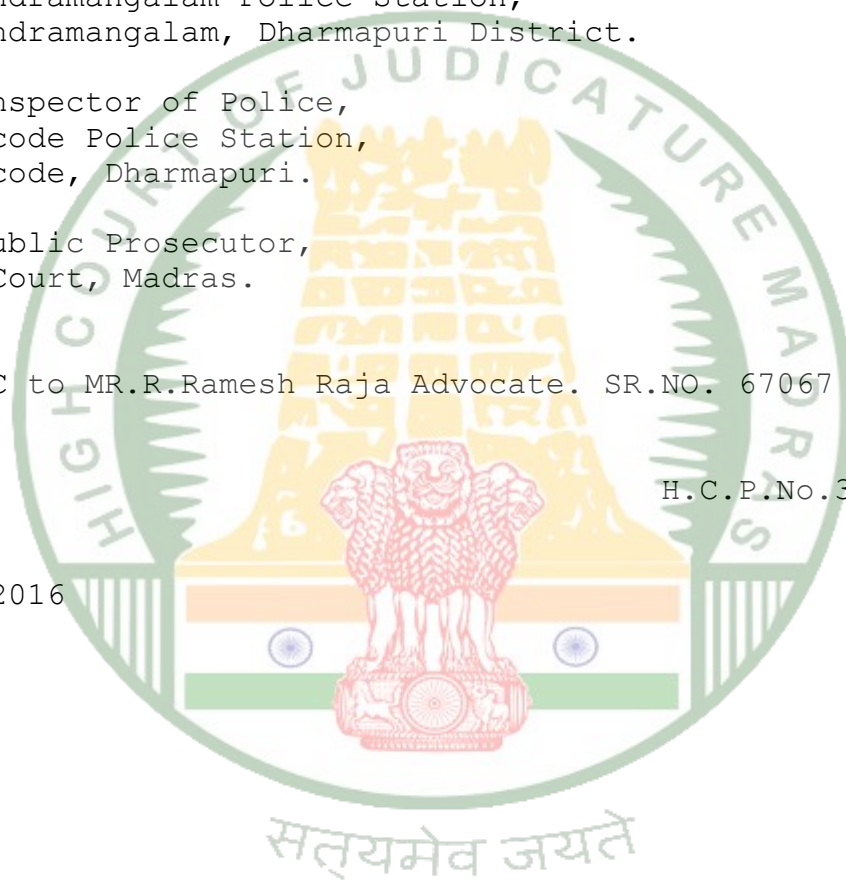
To

1. The Superintendent of Police,
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Mahendramangalam, Dharmapuri District.
4. The Inspector of Police,
Palacode Police Station,
Palacode, Dharmapuri.
5. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.R.Ramesh Raja Advocate. SR.NO. 67067

H.C.P.No.3148 of 2015

CO-VSN
JD 08/01/2016



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