

In the High Court of Judicature at Madras

Dated: 8.1.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren
and
The Hon'ble Mrs. Justice Aruna Jagadeesan

H.C.P. No. 3621 of 2014

Dr. G. Elangovan ... Petitioner

vs

1. The Superintendent of Police,
Cuddalore Dist.

2. The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore.

3. T. Mahalakshmi ... Respondents

Prayer: Petition is filed to issue a WRIT OF HABEAS CORPUS or any other appropriate order or direction in the nature of writ directing the respondents to produce the petitioner's minor son, Master E. Aravind Ashok, aged 11 years, before this Hon'ble court and hand over custody to the petitioner.

For petitioner : Mr. K. G. Senthilkumar

For respondents : Mr. C. Emalias, APP for R1 & R2.

: Ms. S. Kala for R3

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Habeas Corpus Petition has been filed praying that this Court may be pleased to direct the respondents to produce the minor son of the petitioner, namely, E. Aravind Ashok, aged about 11 years, before this Hon'ble court and to hand over his custody to the petitioner.

3. It has been stated that the detenu, namely, E. Aravind Ashok, aged about 11 years, had been forcibly taken away by the 3rd respondent, who is the wife of the petitioner, after a wordy quarrel

between the petitioner and the 3rd respondent, on 28.11.2014. It has also been stated that the 3rd respondent, who is working as a government school teacher, is having illegal intimacy with one Jayachandran. It is further stated that the petitioner has filed a petition, in HMOP No.99 of 2014, before the Sub Court, Cuddalore, seeking divorce, against the 3rd respondent. In such circumstances, the petitioner had filed a complaint before the 2nd respondent, on 9.12.2014, to take appropriate action against the 3rd respondent. Since no effective steps have been taken to secure the detenu from the illegal custody of the 3rd respondent, the petitioner has preferred the present Habeas Corpus Petition before this Court.

4. At this stage of the hearing of the Habeas Corpus Petition, the learned counsel appearing on behalf of the 3rd respondent had submitted that the detenu, namely, E.Aravind Ashok, aged about 11 years, is with the mother of the 3rd respondent, at Cuddalore, and is studying at ARLM Matriculation Higher Secondary School, Cuddalore. The allegations made by the petitioner are not true. Hence, the Habeas Corpus Petition has to be dismissed, in limine.

5. The learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2 had submitted that the minor child, namely, E.Aravind Ashok, is living with the mother of the 3rd respondent, at Cuddalore, and hence, the allegations made by the petitioner that the minor child is in the illegal custody of the 3rd respondent has not been made out.

6. In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents, and on a perusal of the records available, we are of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief, as prayed for, in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that it may be open to the petitioner to move the appropriate forum to seek his relief, if any, in the manner known to law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Cuddalore Dist.

2.The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore.

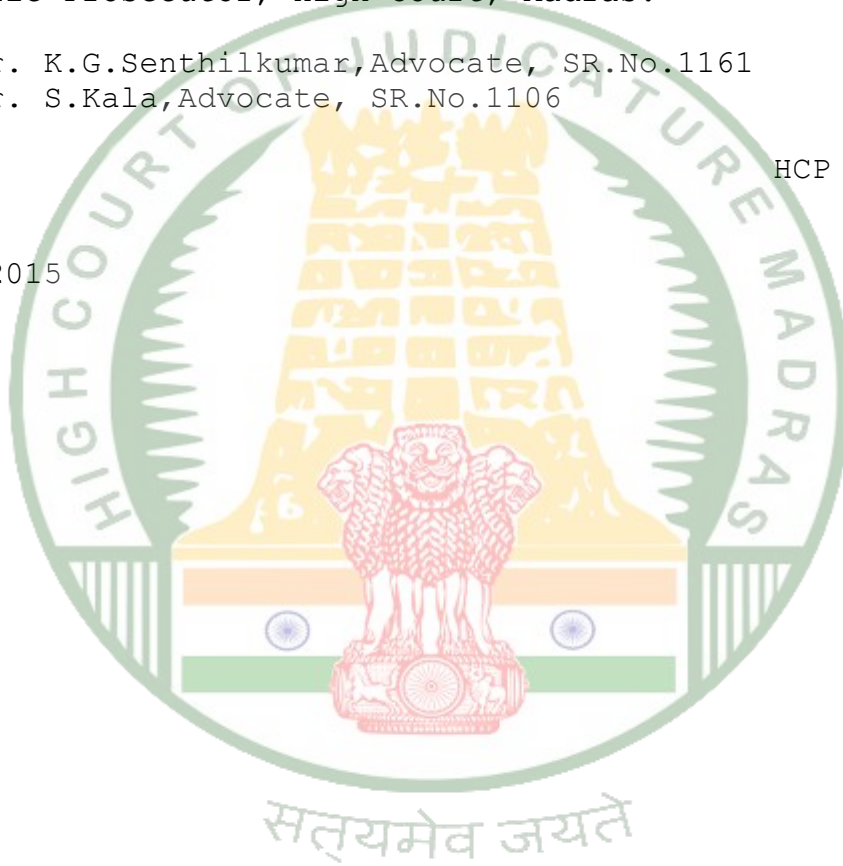
3.The Public Prosecutor, High Court, Madras.

1 cc to Mr. K.G.Senthilkumar, Advocate, SR.No.1161

1 cc to Mr. S.Kala, Advocate, SR.No.1106

HCP No.3621 of 2014

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