



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR
and

THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P.(MD)No.1425 of 2015

T.Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.

... Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus or any other appropriate Writ or Direction in the nature of Habeas Corpus directing the second respondent to produce the body or person of the detainees namely Kohila, wife of the petitioner aged about 28 years and Sriram son of the Petitioner aged about 9 years and Rathidevi aged about 6 years daughter of the petitioner T.Kumar and pass appropriate order or direction as this Court may deem fit and set them at liberty.

For Petitioner : Mr.T.J.Ebenezer Charles

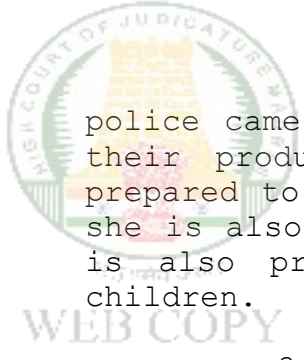
For Respondents : Mr.R.Ramachandran
Additional Public Prosecutor

O R D E R

(Order of the Court was made by **P.R.SHIVAKUMAR.,J.**)

The petitioner is the husband of the alleged detenu No.1, Kohila, aged about 28 years and father of alleged detenu No.2 Sriram aged about 9 years and detenu No.3 Rathidevi, aged about 6 years. Pursuant to the disappearance of Kohila with the children, the petitioner lodged a complaint with the second respondent based on which a case was registered in FIR No.238 of 2015 on the file of the second respondent. The police, in the course of investigation came across Kohila along with her children while she was in the residence of her elder sister at Kovilpatti. After producing her before the Judicial Magistrate, Ambasamudram, the second respondent has produced Kohila and her children before this Court today. The petitioner T.Kumar is also present.

2.On being questioned, Kohila submits that since her request for setting up a separate residence for her husband and herself with their children was not heeded to, she left the matrimonial home with the intention of securing a job at Nagercoil; that on her failure to secure a job, she went to Kovilpatti, where her elder sister is residing and that while she was staying with her children in the house of her elder sister,



police came there and took her along with the children into custody for their production before this Court. Now Kohila submits that she is prepared to allow the petitioner to have the custody of the children and she is also prepared to go and live with her husband. The petitioner who is also present expresses his readiness to take back his wife and children.

3.The said statements are recorded and the Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o. Superintendent of Police, Tirunelveli District.
- 2.The Inspector of Police,
Vikramasingapuram Police Station, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

mj
NS/PM/10.12.2015
2P/4C

H.C.P(MD) No.1425 of 2015
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