



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE P.R. SHIVAKUMAR

and

THE HONOURABLE MR. JUSTICE V.S. RAVI

H.C.P (MD) No.1693 of 2015

T.D.Thillairaj

: Petitioner

Vs.

1.The Deputy Superintendent of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
D-2 Sellur Police Station
Madurai City, Madurai.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the body and person of the detenu, petitioner's wife, namely, Mrs.Sujithakumari and petitioner's daughter T.Anibitha aged about 29, 2 years respectively and set them at liberty.

For Petitioner

: Mr.Niranjana S.Kumar

For Respondents

: Mr.R.Ramachandran

Additional Public Prosecutor.

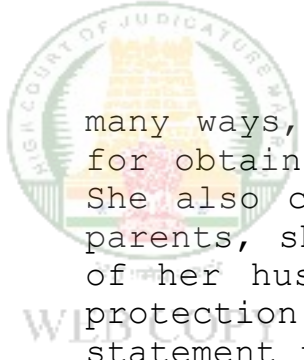
Mr.G.R.Swaminathan

for detenu

O R D E R

[Order of the Court was made by **P.R. SHIVAKUMAR, J.**]

The alleged 1st detenu Mrs.Sujitha Kumari, aged 27 years, along with the child Anibitha, aged 2 years (the alleged 2nd detenu) have been produced today by the police. On being questioned, Sujithakumari states that the petitioner, who is her husband, ill-treated her in many ways and at the helm of affairs on 11.09.2015, during night hours, he beat her and wanted her to leave her matrimonial home immediately. It is her further statement that the petitioner himself contacted her parents over phone and informed them that unless they would come and take her, some untoward things would happen and that pursuant to the same, her parents came and took her and her girl child along with them. It is her further statement that the petitioner suspected her in



many ways, wanted to get rid of her and tried to get her consent for obtaining divorce by mutual consent, for which, she declined. She also contends that while she was under the protection of her parents, she received life threat from her husband and the members of her husband's family, as a result of which, she had to take protection under her uncle by name Ramesh. It is her clear statement that it was the decision of the petitioner to get rid of her and the same led to the separation of the couple.

3. The petitioner, who is also present in Court, after hearing the above said statement of his wife Sujithakumari, besides denying the above statement of Sujithakumari, states that he is not prepared for the restitution of conjugal rights with Sujithakumari, since she has made such allegations.

4. In view of the said statement made by Sujithakumari and the petitioner, nothing remains to be adjudicated upon in this Habeas Corpus Petition, except recording the said submissions and disposing of the Habeas Corpus Petition holding that Sujithakumari is not under the custody of any one and she is free to move anywhere as she likes. So far as the child Anibitha is concerned, as it is aged one year and one month as per the statement of Sujithakumari, the mother shall be the natural guardian and it shall be with the mother. The above said findings are only prima facie findings, which shall not come in the way of a decision being taken by a civil Court, if either of the parties approach such civil Court for any matrimonial relief or regarding the custody and guardianship of the minor child.

5. With the above observations and directions, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai

RR

To

1.The Deputy Superintendent of Police, Madurai City, Madurai.

2.The Inspector of Police,

D-2 Sellur Police Station, Madurai City, Madurai.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+2 cc to Mr.Niranjan.S.Kumar, Advocate, SR No.70712

ORDER MADE IN

H.C.P (MD) No.1693 of 2015

Dated: 08.12.2015