

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1506/2016

M.R.Surendra Mani

..Petitioner

Vs

State rep. by the Inspector of Police,
E.1 Mylapore Police Station,
Mylapore, Chennai-4.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondent to produce the body of Mrs.Gayathri, wife of Raghu, aged 28 years, before this Court and to set her at liberty.

For Petitioner : Mr.K.G.Senthil Kumar

For Respondent : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner is the father-in-law of the detainee Gayathri. The petitioner's son Raghu is the husband of Gayathri. Out of the said wedlock, the detainee has got a child by name, Yogalakshmi, now aged at 3 years. According to the petitioner, the detainee Mrs.Gayathri has been missing from 15.06.2016 onwards along with the child. In this regard, the petitioner made a complaint to the police. Since the detainee was not secured, he has come up before this Court with this Habeas Corpus Petition.

2. Today, when the Habeas Corpus Petition was taken up, the petitioner made appearance before this Court. The detenue Gayathri was produced by the respondent along with the child. The child was at the hands of the petitioner.

3. We enquired the detenue Gayathri. She told us that on her own volition, she deserted her husband, eloped with one Murugan of Kumbakonam, married him and now, she is living with him at Mela Cauvery.

4. According to her, Murugan is already married to another woman, having a child. Further, according to her, she wants to live only with Murugan as his second wife and she is not willing to return to the matrimonial home and live with her husband. The said statement is recorded.

5. So far as the child is concerned, she said that she would take the child with her.

6. But the petitioner submitted that the child has been brutally injured by Murugan by using heated objects making burn injuries. He showed some injuries also on the body of the child.

7. We find the child continuously weeping. When we asked the petitioner to hand over the child to the detenue Gayathri and when Gayathri attempted to take the child, the child started crying, refusing to go with her mother. We found her continuously weeping on seeing the detenue Gayathri. From the behaviour of the child, we find that some harm will be caused to her and that is the reason why she is not willing to go with the detenue Gayathri.

8. The petitioner states that he is a retired Government Servant. He further states that after the detenue had eloped with Murugan, his son is mentally depressed. The petitioner is taking care of him. He also states that he would take care of the child also.

9. Having regard to the above facts, we are of the view that the custody of the child at the hands of the petitioner would meet the ends of justice. If the detenue Gayathri has got any grievance, she can very well work out the same before a competent civil court.

10. In the result, the Habeas Corpus Petition is disposed of in the following terms:

1. The detenue Gayathri is set at liberty and she is at liberty to choose her own way of life;

2. The child, namely, Yogalakshmi, is entrusted to the custody of the petitioner for safe custody and up bring her; and

3. The detenue Gayathri can work out her remedy in respect of the custody of the child before a competent forum.

tsi

Sd/-
Asst.Registrar

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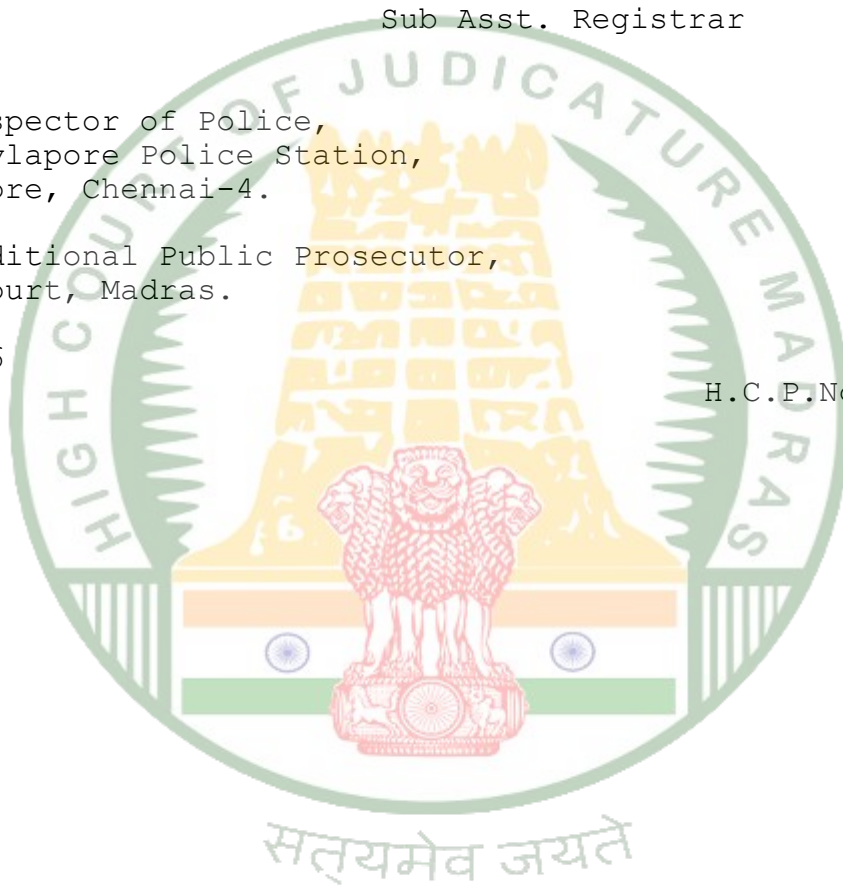
Sub Asst. Registrar

To

1. The Inspector of Police,
E.1 Mylapore Police Station,
Mylapore, Chennai-4.
2. The Additional Public Prosecutor,
High Court, Madras.

KR/31/8/16

H.C.P.No.1506/2016



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