

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M. JAICHANDREN
AND
THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

H.C.P. No. 490 of 2016

S. Leninkumar ..Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Veperry, Chennai - 7.
2. The Superintendent of Police,
Kancheepuram District.
3. The Superintendent of Police,
Thiruvallur District.
4. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai.
5. The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.
6. Mrs. Rooth Evanjalini @ Ponnammal ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus, directing respondents 1 to 5 to find out the whereabouts of the petitioner's wife Lakshmi and male child Saravananrajan and rescue them from illegal custody of the 6th respondent and her henchmen and produce them before this Hon'ble Court and set them at liberty.

For Petitioner :: Mr.S. Rajanikanth

For Respondents:: Mr.V.M.R. Rajentren,
Addl. Public Prosecutor
for R1 to R5

O R D E R

(Order of the Court was made by M. JAICHANDREN,J.)

This Habeas Corpus Petition has been filed by the husband of the detenué praying that this Court may be pleased to issue a direction to respondents 1 to 5 to rescue his wife, namely, Lakshmi and his male child, Saravananrajan, from the illegal custody of the 6th respondent, produce them before this Court and set them at liberty.

2. It has been stated that the 6th respondent, who is the mother of the detenué, namely, Lakshmi, is keeping the detenué and the male child of the petitioner in illegal custody. It has been further stated that the marriage between the petitioner and the detenué had taken place, on 26.12.2012. Out of the said wedlock, a male child was born, on 22.10.2013. Since the marriage, the petitioner and the detenué had been living together. However, on 07.02.2016, the detenué had left her matrimonial home, along with the minor child of the petitioner and she has been staying with the 6th respondent, who is her mother. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition.

3. Today, when the matter has been listed for hearing, the detenué Lakshmi and her minor child, namely, Saravananrajan, are present before this Court. The 6th respondent, who is the mother of the detenué, is also present before this Court. On enquiry, the detenué had stated that due to the ill-treatment meted out to her, by the petitioner, she had left her matrimonial home, along with her minor child. She had further stated that she is residing with the 6th respondent, who is her mother. She had also stated that she has filed a petition for divorce, in O.P. No. 874 of 2016, before the Additional Family Court, Chennai, and a petition for the custody of the minor child has also been filed before the said Court.

4. In such circumstances, we are of the considered view that the relief prayed for, in the present Habeas Corpus Petition, cannot be granted, at this stage. Hence, the Habeas Corpus Petition stands dismissed. However, it goes without saying that, it would be open to the petitioner to pursue his remedy, if any, before the appropriate forum, in the manner known to law.

5. The detenue, namely, Lakshmi, and her minor son, by name, Saravananrajan, are permitted to go along with the 6th respondent, as per her wish.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.
2. The Superintendent of Police,
Kancheepuram District.
3. The Superintendent of Police,
Thiruvallur District.
4. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Pammal, Chennai.
5. The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.
6. The Additional Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S. Rajanikanth, Advocate Sr.19021

H.C.P. No. 490 of 2016

RSY(CO)
Eu 13.04.16