

In the High Court of Judicature at Madras

Dated: 22.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.60 of 2016

M.Murugesan

.... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Superintendent of Police
Erode, Erode District.

2.The State of Tamil Nadu
rep by its Sub Inspector of Police
Sivagiri Police Station
Erode District.

3.Sopiya

4.K.Sathyamoorthy

..... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing the
respondents to produce the detenu, minor M.Santhosh, aged about
2-1/2 years, S/o M.Murugesan before this Court and hand over the
custody of the detenu to the petitioner.

For Petitioner: Mr.P.Kannan Kumar

For R1 and R2 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

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(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition has been filed by the petitioner
seeking a direction to the respondents to produce the detenu,
minor M.Santhosh, aged about 2-1/2 years, S/o M.Murugesan before
this Court and hand over his custody to the petitioner.

2. Though this matter is not listed in the cause list today, it is taken out of turn at the request of the learned Additional Public Prosecutor, since the respondent police are producing the detenu, minor M.Santhosh. Mr.P.Kannan Kumar, learned counsel for the petitioner is also present.

3. It is the case of the petitioner that he is married to the third respondent/Sopiya and through the wedlock, they have one male child, namely M.Santhosh and that, on account of matrimonial discord, they got estranged. It is further alleged by the petitioner that his wife Sopiya has given the child in adoption to K.Sathyamoorthy, the fourth respondent herein and is intending to get married to him.

4. Today, Sopiya/third respondent is present with the detenu, minor child Santhosh. She categorically stated that after their estrangement, she is living with her sister and father, since her mother is no more and that she is not under illegal custody. She further stated that, she has also filed a petition for dissolution of marriage before the Family Court, Erode against the petitioner.

In view of the above, we are of the opinion that there is no illegal custody of the detenu. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar

/true copy/
सत्यमेव जयते

Sub Asst. Registrar

gms

To

1.The Superintendent of Police
Erode, Erode District.

2.The Sub Inspector of Police
Sivagiri Police Station
Erode District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.V. Ragunathan, Advocate, Sr. 4312

H.C.P.No.60 of 2016

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