



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

Habeas Corpus Petition (MD).No.1113 of 2016

R.Gilbert

.. Petitioner

vs.

1. The Superintendent of Police,
Tuticorin.

2. The Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.

.. Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India directing the respondents herein to produce the body and person namely Judi W/o.Gilbert aged 35 years, and the petitioner's Children Rohinson, (Male) aged 13 years and Uttika (Female) aged 11 years and set them at liberty.

For petitioner : Mr.Senthil Sankara Natha kumar

For respondents : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

(Order of the Court was made by K.K.SASIDHARAN,J)

The Second respondent produced the detenue before us. The detenue informed us on account of misunderstanding with the petitioner, she left the matrimonial home along with children and is residing elsewhere. She is not in illegal custody. The detenue is not prepared to go with the petitioner.

2. Since the children of the petitioner are with the detenue, who is none other than the biological mother, there is no question of passing orders with regard to custody. It is open to the petitioner to approach the concerned Court for appropriate relief.



3. The Habeas Corpus Petition is closed with the above observation.

WEB COPY

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tuticorin.
2. The Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District.

+ 1 CC TO Mr.S.SENTHIL SANKARA NATHA KUMAR, ADVOCATE IN SR No.49543

JIKR

TE/PV : 14/10/2016 : 2P/4C

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