



2. Based on the complaint of the petitioner, a case was registered on the file of Sivakasi Town Police Station in Crime No.652 of 2015 as a woman and child missing case. After the filing of this Habeas Corpus Petition, there was some progress in the investigation and it resulted in the second respondent locating Thanga Jothilakshmi with her minor son Prabhakaran at Universal Peace Foundation, an Ashram for destitute women, aged, handicapped and orphaned children. Today, the second respondent has produced Thanga Jothilakshmi along with her child Prabhakaran before this Court. On being questioned, Thanga Jothilakshmi states that the petitioner is her husband and they got two male children including Prabhakaran; that for a period of one year she was suffering humiliation and ill-treatment in the hands of the petitioner as he suspected her fidelity; that unable to bear such humiliation and ill-treatment, she, on her own volition, took asylum in the above said Ashram functioning at Nalla Goundanpalayam, Coimbatore District; that she is given employment there as a receptionist and that while so, the Police came there and took her along with the child to be produced in this Court. It is her further statement that she wants to maintain her self-respect and individuality, and that she is not prepared to join her husband viz., the petitioner herein. Thanga Jothilakshmi also states that the ill-treatments in the hands of her husband because of his suspecting her fidelity also went to the extent of accusing her of having connection with neighbours including the third respondent. However, she makes it clear that apart from the fact that the third respondent is a neighbour, there is no connection with him and that the third respondent had nothing to do with her taking a decision to go to the Aashram and be there.

3. From the statement of Thanga Jothilakshmi, it is obvious that she was not kidnapped by any one; that she is not at present in illegal custody of any one and that she, on her own volition, is in the Aashram run by Universal Peace Foundation, Nalla Goundanpalayam, Coimbatore District. In view of the same, there will be no question of setting her at liberty as the same does not arise.

4. So far as the minor child Prabhakaran aged about 2 years is concerned, it is with Thanga Jothilakshmi and as a mother, she nurses the child. The other son of the petitioner is admittedly in the custody of the petitioner. Though a plea is made on behalf of the petitioner that the minor child Prabhakaran should be given to the petitioner, we are not inclined to do it in this Habeas Corpus Petition as it involves the study of psychology of the child and also the consideration of the paramount interest of the child. We find the child to be comfortable with the mother. We do not propose to pass an order regarding the custody of the said minor child. As desired by Thanga Jothilakshmi, she is permitted to go to Aashram along with her child Prabhakaran aged about 2 years. If at all the petitioner wants the company of his wife and child, he can approach the appropriate forum with an appropriate petition for restitution of conjugal rights and for the custody of the child, as the case may be.



5. With the above observations and recording the statement of Thanga Jothilakshmi, this Habeas Corpus Petition is disposed of.

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/True Copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GJM/PM/MP/5.2.16-2p-4C

Order Made in
H.C.P (MD) No.13 of 2016
19.01.2016