



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

CORAM:

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

**H.C.P(MD)No.942 of 2016**

Kamalakannan

.. Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Inspector of Police,  
Thirunagar Police Station,  
Madurai City.

3.Alagarsamy

4.Sakunthala

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the persons or body of petitioner's wife, namely, Krithik Syamala, aged about 32 years and petitioner's child, namely, Shakishnudharsan, aged about 2 years respectively before this Court and set them at liberty.

For petitioner : Mr.C.Ramesh

For respondents 1&2 : Mr.C.Mayil Vahana Rajendran  
Additional Public Prosecutor

For Respondents 3&4 : Mr.Sureshkumar

**O R D E R**

\*\*\*\*\*

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

This Habeas Corpus Petition has been filed to direct the police to produce the wife of the petitioner, by name, Krithik Syamala, aged about 32 years and her child, by name, Shakishnudharsan, aged about 2 years, before this Court, as, according to the petitioner, they are stated to be in illegal custody.



2. The counter affidavit filed by the respondents 3 and 4 and the statement recorded by the Inspector of Police, All Women Police Station, Thirupparankundram, Madurai District, on 26.06.2016, would indicate that the wife of the petitioner appeared before the police and stated that she is not willing to join the petitioner.

3. It is, therefore, clear that the detenus are not in illegal custody. In fact, even the petitioner has given a signed statement on 10.06.2016, before the All Women Police Station, Thirupparankundram, Madurai District, to the effect that he would approach the appropriate forum to redress his grievances. The petitioner, for the reasons best known to him, has not disclosed the earlier events relating to the production of the detenu before the Inspector of Police, All Women Police Station.

4. The Habeas Corpus Petition cannot be converted into a matrimonial proceedings so as to resolve the family dispute. The factual matrix clearly indicates that the detenus are not in illegal custody. We are, therefore, of the view that absolutely there is no merit in the contention taken by the petitioner with regard to the illegal custody of the detenus.

5. In the upshot, we dismiss the Habeas Corpus Petition.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

NB

To:

1.The Commissioner of Police, Madurai City, Madurai.

2.The Inspector of Police, Thirunagar Police Station,  
Madurai City.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.Suresh Kumar Iassc Paul, Advocate Sr.No.47186

GJM/PV/1.9.16-2p-5C

**ORDER MADE IN**  
**H.C.P (MD) No.942 of 2016**  
**22.08.2016**