



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

H.C.P(MD)No.996 of 2016

Raja Shankari

.. Petitioner

Vs.

1.The Superintendent of Police
Theni District, Theni.

2.The Inspector of Police
Theni Police Station
Theni

3.Ravikumar

4.Senthilkumar

.. Respondents

Prayer:-Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body or person of the detainees, namely, (1) Jaya Suriya aged 15 years, S/o.Ravikumar and 2) Jaya Sri Devi, aged 12 years, D/o.Ravikumar, who are the children of the petitioner and to hand over them to the custody of the petitioner.

For Petitioner : Mr.A.Prabhu

For Respondents : Mr.A.Ramar

Addl.Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the mother of one Jayasuriya, aged 15 years and Jaya Sridevi aged 12 years. According to the petitioner, they are detained illegally by the respondents 3 and 4. The 3rd respondent is the father and the 4th respondent is the brother of the 3rd respondent. Seeking the custody of the children, the petitioner has come up with this Habeas Corpus Petition



2. When this petition has come up for hearing, on 16.08.2016, the detenues, namely, Master.Jayasuriya and Ms.Jayasridevi were produced before this Court. They told the Court that they were not detained illegally by anybody. They further told the Court that the third respondent, namely, the father is providing necessary amount for their maintenance. This Court, on 16.08.2016, recorded in Paragraph No.2 as follows:

"2. According to the minors, the third respondent is providing necessary amount for their maintenance. The elder son is residing at 13-B, Makaliyamman Kovil Street, Kalveerampalayam, Ukkadam, Coimbatore, along with a family. The daughter of the petitioner is studying eighth standard and presently, she is staying in a residential hostel, namely, St. Joseph Girls Higher Secondary School, Mannargudi, Thiruvarur District".

3. Today, when the matter came up for hearing, we have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

4. The learned counsel for the petitioner would submit that the third respondent is absconding and he has not made appearance before this Court.

5. The learned Additional Public Prosecutor would submit that the third respondent has involved in some criminal cases and therefore, he is hiding himself. At any rate, in our considered view, since the children, who are fairly aged capable of understanding the consequences of the statement, have told this Court that they have not detained by anybody illegally and they are residing with the 4th respondent and they are maintained by the 3rd respondent. From this statement, it is crystal clear that the dispute is purely matrimonial in nature, which is to be resolved only by the civil Court.

6. In view of the above, leaving it open for the petitioner to work out her remedy before the civil Court, this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Theni Police Station, Theni.

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

RR

CSL/GSV-PM/20.09.2016 :3P/4C

**ORDER MADE IN
H.C.P (MD) No.996 of 2016
07.09.2016**