



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATED : 19-12-2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) No. 1632 of 2017

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M. Dhanalakshmi

.. Petitioners.

Versus

1. The Commissioner of Police
Madurai City
Madurai
2. The Inspector of Police
All Women Police Station
Madurai Town (Crime Branch)
Madurai
3. Poodum Ponnu @ Lakshmi

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the petitioner's husband Manikandan, Son of Muniandi, aged about 31 years and minor son namely Sarveshvaran, son of Manikandan, aged 2 years before this Court and handover to the petitioner

For Appellant	:	Mr. K. Vinayagan
For Respondents 1 & 2	:	Mr. C. Ramesh
		Additional Public Prosecutor
For Respondent No.3	:	Mr.V.Pavel

ORDER

(Order of the Court was made by R. SUBBIAH, J)

The petitioner has come forward with this Habeas Corpus Petition praying to issue appropriate direction to the respondents 1 and 2 to produce the body of her husband Manikandan and the minor son Sarveshvaran, Son of Manikandan before this Court and to set them at liberty.

2. The present petition has been filed on the ground that the third respondent herein, who is the mother-in-law of the petitioner, has illegally detained her husband and son.



3. It is seen from the records that the marriage between the petitioner and the son of the third respondent was solemnised on 29.08.2014 and due to the said wedlock, two children were born namely Sarveshwaran on 06.11.2015 and another female child on 13.11.2016. It is stated that during her advanced stage of pregnancy for the second child, her husband had taken over the custody of the minor son Sarveshwaran and after deliverance of the second child, the petitioner could not hear about her husband and his whereabouts are not known. According to the petitioner, in spite of several phone calls made by her, she could not contact her husband and therefore the present petition has been filed.

4. Today, when the Habeas Corpus Petition is taken up for hearing, the petitioner along with her minor daughter, her father, brother as well as the third respondent along with her son, who is the husband of the petitioner and the minor son Sarveshwaran were present and they are represented by their respective counsel. We have enquired the petitioner and her husband. It appears that there is a serious matrimonial dispute between the petitioner and her husband, particularly with respect to custody of the minor children Sarveshwaran. On such enquiry, it further unfolded that the husband of the petitioner or the minor son Sarveshwaran are not in illegal custody of the third respondent/mother-in-law, as alleged by the petitioner. Therefore, we refrain from issuing any direction to the respondents 1 and 2, as prayed for in this Petition. It is open to the petitioner to work out her remedy, if any, before the appropriate forum.

5. Accordingly, the Habeas Corpus Petition is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police, Madurai City, Madurai
2. The Inspector of Police, All Women Police Station
Madurai Town (Crime Branch), Madurai
- 3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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