



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

H.C.P. [MD] .No.36 of 2017

Annamalai Pillai

: Petitioner

Vs.

1.The State Represented by,
Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Aralvaimozhi Police Station,
Aralvaimozhi,
Kanyakumari District.

3.Maharajan

4.Neela

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the body of the detenues, namely Manikandan, S/o.Annamalai Pillai, aged about 13 years and Abirami, D/o.Annamalai Pillai, aged about 12 years before this Court from the illegal detention of the third and fourth respondents and hand over the custody to the petitioner.

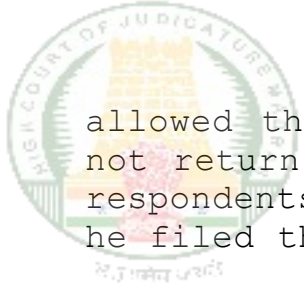
For Petitioner : Mr.A.Robinson

For Respondents 1&2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The petitioner is the father of the detenues - Manikandan, aged about 13 years and Abirami, aged about 12 years. He has filed the present Habeas Corpus Petition alleging that his wife Senbagavalli passed away on 09.08.2016 and at that time, his children were studying in 7th standard and 6th standard respectively. After the death of his wife, the third and fourth respondents, who are the in-laws of the petitioner, came to the house of the petitioner and on their request, the petitioner



allowed the children to go along with them. Thereafter, they did not return. Hence, he lodged a complaint to the first and second respondents on 29.12.2016, but, no action was taken so far. Hence, he filed the present Habeas Corpus Petition.

2. Today, when the matter was taken up for consideration, the second respondent produced the detainees before this Court. When we enquired the detainees, they told us that they are willing to go only along with their grandmother.

3. Admittedly, it is purely a family dispute between the petitioner and the third and fourth respondents. If the petitioner wants to get the custody of the children, he has to work out his remedy before the appropriate Court of law.

4. In view of the said facts, the Habeas Corpus Petition is closed by giving liberty to the petitioner to approach the appropriate forum.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. The Inspector of Police,
Aralvaimozhi Police Station,
Aralvaimozhi,
Kanyakumari District.

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

+1 cc To Mr. A. Robinson, Advocate, Sr.No.1237

SML

js/ksm/TTN/20/01/2017/2p-5c

**Order made in
H.C.P. [MD].No.36 of 2017**