



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**  
**DATED: 21.03.2017**

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGANAM**  
and  
THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

**Habeas Corpus Petition (MD) No.417 of 2017**

Packiaraj ... Petitioner  
vs.

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

2.The Inspector of Police,  
Andipatty police station,  
Theni .

3.Karthik

4.Chinnasamy

5.Tamizharasi

6.Honestraj ... Respondents

**Prayer:** Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for a direction to the respondents 1 and 2 to produce the bodies or persons of the petitioner's wife namely 'Sangareeswari' aged about 22 years and son namely 'Thangapandi' aged about 2 years and set them at liberty before this Court.

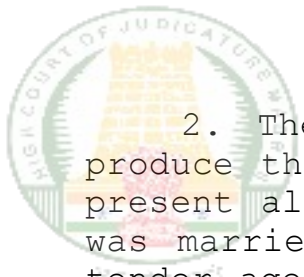
For Petitioner : Mr.G.Ganesh Kumar

For R1 & R2 : Mr.T.Mohan  
Addl. Public Prosecutor

**O R D E R**

(Order of the Court was made by **T.S.SIVAGANAM, J.**)

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



2. The petitioner has filed the Habeas Corpus Petition to produce the detinue / his wife and the minor son. The detinue is present along with the son. We questioned her. She says that she was married to the petitioner, who is her maternal uncle on the tender age of 15 years and she goes to the extend of denying the paternity of the second child Thangapandi. She says that she voluntarily left the matrimonial home along with the third respondent Karthik and she says that the second child, who is in her custody is the child of the third respondent. We questioned the petitioner also. The petitioner would state that elder daughter is in custody and he wants the custody of the son Thanagapandi.

3. However, considering the stand of the detinue, we cannot issue any directions in this regard in this petition. We may note that the detinue is not in illegal custody of the third respondent, but on her own volition, she is residing with him. Therefore, we find that there is no case for issuing any direction in the Habeas Corpus Petition. Accordingly, this petition is dismissed. However, liberty is granted to the petitioner as well as the detinue to approach the appropriate Court for necessary relief.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,  
Andipatty police station,  
Theni

+1cc to Mr.G.Ganesh Kumar, Advocate, SR.No:16373

akv

AE/SV MMS/SAR2/10.04.2017/2P/4C

**H.C.P. (MD) .No.417 of 2017**  
**21.03.2017**