



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.66 of 2017

A.Anitha

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

3. C.Abilash

4. Anitha

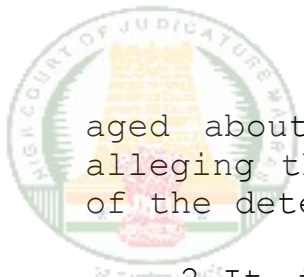
.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the first and second respondents to produce the bodies and persons of the detenu by names Janani D/o.Abilash aged about 6 years and Jeyasri D/o.Abilash aged about 3 years before this Court and hand over the custody of them to her.

For Petitioner : Mr.S.Malaikani
For respondents 1 & 2 : Mr.C.Mayilvahana Rajendran,
Addl. Public Prosecutor
For 3rd respondent : Mr.G.Marimuthu

ORDER

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



aged about 3 years, has come with this Habeas Corpus Petition alleging that the third respondent, who is her husband and father of the detenu, illegally detained the detenu.

2. It is stated in the petition that the petitioner and the third respondent loved each other and married on 01.04.2009 and they blessed with the two children viz., detenu. While so, the third respondent developed illegal intimacy with the fourth respondent. Since the third respondent had been harassing the petitioner, she had consumed poison on 06.12.2016 and she was saved on 08.12.2016. Thereafter, the third respondent left the house along with the detenu. She came to know that the third respondent, detenu and the fourth respondent were residing at Pamabanaar Village. Though she had sent a complaint, dated 10.01.2017, to the second respondent Police, requesting to take necessary action to secure the detenu, no fruitful action was taken. Hence, she has come up with this petition.

3. Today, when the matter was taken up for hearing, the detenu were produced by the second respondent. The petitioner and the third respondent were present along with their respective counsel. On enquiry, the third respondent denied the illegal relationship alleged by the petitioner. The third respondent has further stated that the petitioner made an attempt to commit suicide along with her children. If the children are handed over to the petitioner, it will endanger their lives. When we enquired the petitioner, she admitted that since the third respondent continued to have illegal relationship with the fourth respondent, she threatened her husband that she will commit suicide along with the children, however, she only consumed poison. Be that as it may, since the detenues are under the custody of the father, the same cannot be termed as illegal custody. Hence, we are not inclined to entertain this petition.

4. In view of the above, this Habeas Corpus Petition is closed with liberty to the petitioner to work out her remedy by filing GWOP before the appropriate forum in the manner known to law.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

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

+ 1 CC TO Mr.G.MARIMUTHU, ADVOCATE IN SR No. 6537

GCG

TE/SKN-RSK : 09/03/2017 : 3P/5C

Order made in
H.C.P.[MD].No.66 of 2017
Dated:-
06.02.2017