



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

CORAM:

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

AND

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

HABEAS CORPUS PETITION(MD).No.69 of 2017

A.Jeyakumar : Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
All Women Police Station,
Sivagangai.

3.Jeyachithra : Respondents

Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the Respondents 1 to 3 to produce the person or body of the detainee namely Anbuchezeian aged 6 1/2 years son of Jeyakumar before this Honourable Court and handover him custody to the petitioner.

For Petitioner : Mr. S.Anand Chandrasekar for
M/s. Sarvabhauman Associates

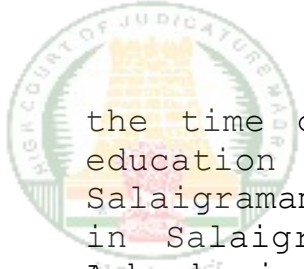
For Respondents : Mr.C.Ramesh
1 & 2 Additional Public Prosecutor

O R D E R

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

2. This Habeas Corpus Petition has been filed by the petitioner herein under article 226 of the Constitution of India seeking an order directing the respondents to produce the petitioner's son viz., Anbuchezeian aged about 6 1/2 years, who is under the illegal custody of the third respondent, before this Court and set him at liberty.

<https://hcservices.courts.gov.in/hcservices/> 3. In the affidavit, it is stated that the marriage between the petitioner and the third respondent took place on 30.04.2008. At



the time of marriage, the petitioner was working as a physical education teacher at Government Higher Secondary School at Salaigramam. The petitioner was residing along with the respondent in Salaigramam and they were blessed with two children viz., Anbuchejian, aged about 6 ½ years and Aradhanaselvi, aged about 4 years. While so, there was some misunderstanding between the petitioner and the third respondent, however, the custody of the children was only with the petitioner. On 21.12.2016, the third respondent forcefully took custody of the male child viz., Anbuchejian. Hence, the petitioner has lodged a complaint before the second respondent police. But no action has been taken by the second respondent police. Hence, the present Habeas Corpus Petition.

4.Today, when the matter is taken up for hearing, the detenu Anbuchejian was produced before this Court along with the third respondent.

5.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that since the third respondent has forcefully taken custody of the detenu from him, the Habeas Corpus Petition is maintainable. But, when we enquired the third respondent, she has denied the statement of the petitioner that she has taken the custody of the child from the custody of the petitioner. Further, when we enquired the detenu/minor son of the petitioner, he has also refused to go along with the petitioner.

6.Under such circumstances, this Court has no other alternative except to allow the detenu to along with the third respondent by giving liberty to the petitioner to approach the appropriate forum to work out his remedy by filing GWOP. Hence, we are of the view that nothing could be adjudicated in the Habeas Corpus Petition and accordingly, the same is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai District.

2. The Inspector of Police,
All Women Police Station,



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

+1 cc to M/s. Sarva bhauman Associates, Sr No.6534

rj2

MAS/MR:27.02.2017:3P/5C

HCP(MD) .No.69 of 2017
06.02.2017