

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1373 of 2017

K.Jayakumar
S/o.Kannan

... Petitioner

-Vs-

State represented by its
The Inspector of Police,
Vellore South Police Station,
Vellore District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to produce the body, wife of the petitioner E.Anitha, aged about 32 and his children, namely Swedhra, now aged 10 years and Tarisha, now aged about 8 years and set them at liberty forthwith.

For Petitioner : Mr.R.Chandramohan

For Respondent : Mr.R.Pratap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is the husband of the detainee, viz., E.Anitha, aged about 32 years, seeks production of his wife and children namely Swedhra, now aged 10 years and Tanvisha, now aged about 8 years.

2.Detinue, viz., E.Anitha and also minor children viz., Swedhra and Tanvisha have been produced by the respondent today. Detinue informs of having fallen in love with petitioner informing that upon marriage with him, she suffered loss of love and affection and support of her family members. She informs of having suffered much with her children owing to conduct of the petitioner and that she has thus taken up independent residence. She submits that she initiated FCOP.441 of 2014, before the

Family Court, Vellore, seeking divorce and initially an exparte order was passed in her favour. Thereafter, the petitioner had sought and obtained setting aside of the exparte order against him and she was unable to pursue the proceedings owing to the difficult situation, she has faced and hence, she had been called absent in the case on 10.01.2017 and subsequently, her petition seeking divorce had been dismissed for default on 14.02.217, although notice had not been served upon her.

3.We have also communicated with the petitioner, who has sought visiting rights with regard to his children.

4.This Court is of the view that it would be appropriate for the parties to work out their rights before the Family Court. This Court, taking into consideration that the detinue, taking care of two minor children is in need of legal assistance, directs the District Legal Services Authorities, Vellore to do the needful in this regard.

5.With the above observations, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rm
To

1.The Inspector of Police,
Vellore South Police Station,
Vellore District.

2.The Secretary District Legal Service Authority
Vellore

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Chandra Mohan Advocate sr 18606

+1 cc to Mr.S.Shujath Advocate sr 18318

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