

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2018

Coram

THE HON'BLE MR.JUSTICE M.VENUGOPAL
&
THE HON'BLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.410 of 2018

Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Chennimalai Police Station,
Erode District.
Crime No.59 of 2018.

3.Shankar
S/o.Marimuthu @ Mosus,
MGR Nagar,
Vaaikaalpudur,
Chennimalai,
Erode District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in Crime No.59 of 2018 dated 03.02.2018 on the file of the 2nd respondent and direct the respondents herein to produce the petitioners wife Loganayagi aged about 29 years who is in the illegal custody of 3rd respondent herein and handover to the petitioner and pass such further or other orders.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.R.Ravichandran,
Addl.Public Prosecutor
for R1 and R2.

O R D E R

(Order of the Court was made by M.VENUGOPAL, J.)

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor appearing for Respondents 1 and 2.

2. Today, the Petitioner's wife Loganayagi, aged about 29

years is produced from the house of one Parimalam, who is the friend of the Detenue, residing at Chennai.

3. This Court has examined the Petitioner's wife Loganayagi, who informed that based on the difference of opinion with her husband viz., the Petitioner and because of her husband's scolding, she left the matrimonial husband's home and went to the house of her friend Parimalam in Chennai. She also stated that she joined as Noon Meal Organizer at Panchayat Primary School, Kumarapalayam, Erode District, six months back, on a monthly salary of Rs.8,000/- (Rupees Eight Thousand only). Admittedly, the Petitioner and the said Loganayagi have a son, by name, T.S.Rohithraja, aged about 9 years, studying 4th standard at Kongu Matriculation School, Chennimalai, Erode District.

4. That apart the Petitioner, the husband of Detenue Loganayagi is very much present before this Court. According to him, his wife viz., Loganayagi left his house on account of the family differences of opinion between them. He assured this Court that in future, he will not scold his wife and he is ready to take his wife Lokanayagi with him and return to his matrimonial home.

5. Considering the fact that the Petitioner and Loganayagi have a nine years child viz., T.S.Rohithraja, studying 4th standard at Kongu Matriculation School, Chennimalai, Erode District and also this Court having note of the welfare of the child and the statement made by the petitioner viz., the husband that he will take his wife Loganayagi to his matrimonial home, to which the wife has no objection, this Court permits the Petitioner Loganayagi to join with the Petitioner for leading their matrimonial life at Erode and also to take care of their beloved son T.S.Rohithraja.

6. With the aforesaid observations, this Habeas Corpus Petition is disposed of.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

vsm

To

1.The Superintendent of Police,
Erode District.

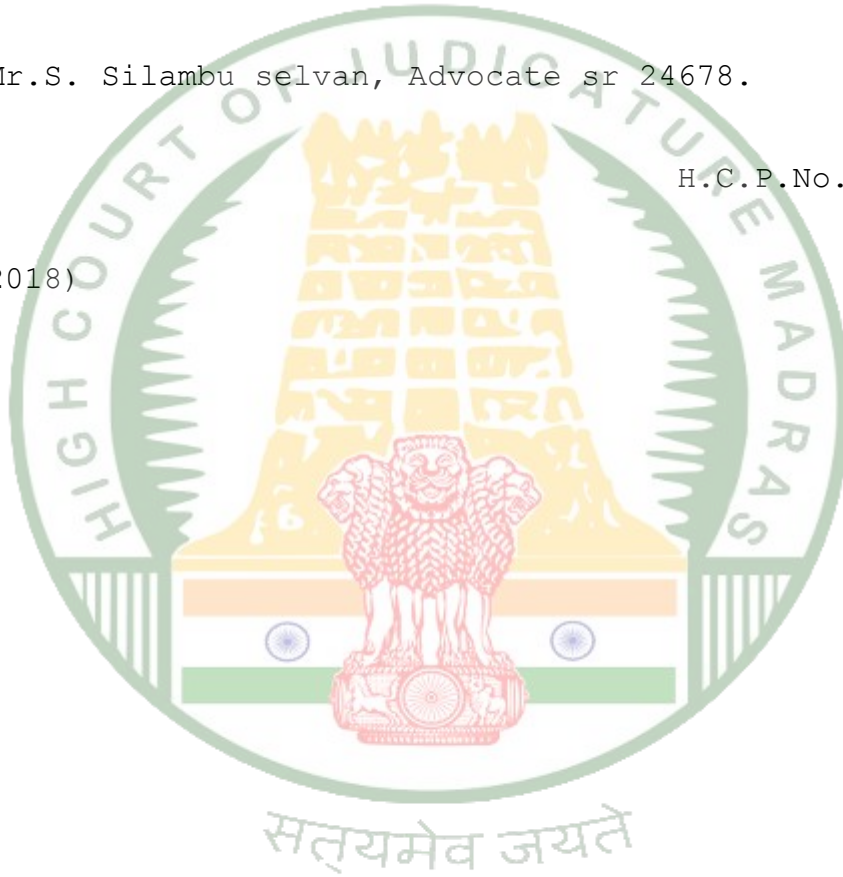
2.The Inspector of Police,
Chennimalai Police Station,
Erode District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1 CC to Mr.S. Silambu selvan, Advocate sr 24678.

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