

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP. No.1838 of 2018

Singaravel

... Petitioner

-Vs-

1. The Superintendent of Police,
Nagapattinam District.

2.The Inspector of Police,
Nagore Police Station,
Nagapattinam District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the wife of the petitioner namely Sridevi, aged about 23 years and son of the petitioner namely Sriharish aged about 4 years produce him/her before this Hon'ble Court and set at liberty.

For Petitioner : M/s.Swami Subramanian

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

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

Petitioner sought production of his wife viz., Sridevi, aged 23 years as also his son viz., Sriharish, aged 4 years.

2. Heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents.

3. Petitioner and his wife viz., Sridevi are not able to see eye to eye and unable to resolve their defences.

4. On 03.10.2018, this Court has passed the following order:-

"Detenues/mother and child, have been traced at Madurai by second respondent and are produced before this Court. Detenue has much to say against her husband, the petitioner. So does the petitioner, who has the support of his wife's brother. The minor child shall be in the custody of mother and both shall be housed at Government Vigilance Home, 16/27, Rosary Church Road, Mylapore, Chennai-600 004.

Post on 05.10.2018."

5. Sridevi informs that she continues to stay at Madurai, but she may be permitted to see the child at least once in a month. Petitioner, who has admitted to having father of a child through another. He informs that he will take good care of child and that he will place the child in the custody of his wife Sridevi, as desired by her on any particular date of the month. Though petitioner's elder sister by name Ambika, wife of Gurunathan, who is present before this Court and offers to take care of the petitioner's wife Sridevi, the said Sridevi being a niece both to her as also the petitioner, is not willing to go with her.

6. Accordingly, this Habeas Corpus Petition shall stand closed with a direction that the petitioner shall produce the child by 10.00 a.m in the first Friday of Every month at the entrance of the Collectorate Building, Tiruvarur. Sridevi/mother of the child may hold the custody of the child through the day and return the custody of the child to the petitioner by 5.00 p.m on the same day. This order, without prejudice to the parties, to workout their rights before appropriate forum, both regards status of their marriage as also the custody of child.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

kmi

To:

1. The Superintendent of Police,
Nagapattinam District.
2. The Inspector of Police,
Nagore Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.Swami Subramanian, Advocate SR.No.69548

HCP. No.1838 of 2018

GI(CO)

GMV (14/11/2018)



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