

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE TMT.JUSTICE S.RAMATHILAGAM

HCP. No. 2576 of 2018

Sikkan

... Petitioner

-Vs-

1. The State of Tamilnadu
represented by
Inspector of Police,
Mahendra Mangalam Police Station,
Palacode, Dharmapuri District.

2. Arulkumar

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the body of the petitioner's wife, namely Rajes (29 Years) from the illegal custody of the second respondent before this Court and set her at liberty.

For Petitioner : Mr.R.Selvakumar

For Respondent : Mr.R.Prathap Kumar

Additional Public Prosecutor (R1)

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O R D E R

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

Petitioner seeks a direction to first respondent to produce the detainee namely, Rajes, 29 years, from the illegal custody of second respondent before this Court and set her at liberty.

2. Heard learned counsel for petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor for first respondent.

3. Detenu has been present and she informs of having gone to Bangalore with her minor daughter owing to harassment by petitioner. She had stayed in a relative's house. Detenu and minor daughter have been produced before the concerned Judicial Magistrate and in keeping with instructions dated 26.11.2018, the minor daughter had been produced before Child Welfare Committee, Kurinchi Nagar, Dharmapuri District on 27.11.2018. Today, detenu has been produced by first respondent. Detenu informs that she is not willing to return to the matrimonial home and the daughter wishes to stay in the Home where she presently kept and educational facilities are available viz., Magalir Aran Trust, Devaroothupallam, Nallampali Taluk, Dharmapuri District.

Recording the position and leaving it to the petitioner to workout his remedy, if any, before the appropriate forum, this Habeas Corpus Petition shall stand closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Inspector of Police,
Mahendra Mangalam Police Station,
Palacode, Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.
3. The Secretary,
Magalir Aran Trust,
Devaroothupallam, Nallampali Taluk,
Dharmapuri District.

+1cc to Mr.R.Selvakumar, Advocate in sr.no.82141

H.C.P. No.2576 of 2018

MG(CO)
CS/06/03/2019