



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:22.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.203 of 2018

P.Murugan

... Petitioner

-vs-

1. The Superintendent of Police
O/o. Superintendent of Police,
Trichy District

2. The Inspector of Police
Somarasampettai Police Station,
Trichy District.

... Respondents

Prayer: Writ petition under Article 226 of the Constitution of India is filed praying for issuance of a writ of Habeas Corpus, to direct the respondents to produce the body or person of the petitioner's daughter by name Jothi wife of Ganapandithan (late) aged about 52 years, his granddaughter by name Dharani, wife of Arumugam, aged 32 years and his grandson by name Pushparaj son of Arumugam, aged 14 years before this Court within the time stipulated by this Court and set them at liberty.

For petitioner : Mr.S.Malaikani

For respondents : Mr.C.Ramesh for R1 & R2

Addl. Public Prosecutor

Mr.B.Suresh for the detenu

O R D E R

(Order of the Court was made by S.Vimala,J.,)

This petition has been filed by the petitioner seeking a direction to the respondents to produce his daughter, namely, Jothi, W/o.Gnanapandithan, aged 52 years, his granddaughter, Dharani, aged 32 years and grandson Pushparaj, aged 14 years and set them at liberty.

2. According to the petitioner, due to family dispute, the detenus left the house of the petitioner and their whereabouts were not known to the petitioner till 05.10.2017. Therefore, the petitioner preferred a complaint to the respondent police and since no effective steps were taken, he is before this Court with this petition.



3. The learned Additional Public Prosecutor has produced the detenus before this Court through the respondent police. The petitioner and his son, namely, Arumugam along with their counsel are present before this Court.

4. On being enquired the detenus, the wife of Arumugam, namely, Dharani expressed her view that the child being a special child is under treatment, and as they are not cared for properly, they would like to remain separate for few years atleast. It is also stated by the husband Arumugam that his wife Dharani has incurred a debt to the extent of Rs.12 lakhs and with regard to repayment, there should be an arrangement. However, the detenu/wife would submit that the debts were obtained for necessities only and it was not for lavish spending. The detenu, namely, Jothi has also been enquired.

5. However, on negotiation between the parties, the detenu, namely, Dharani would submit that she expressed her willingness to go along with her mother, namely, Jothi and agreed to have separation from her husband.

6. Recording the same, this petition is closed, with liberty to the petitioner to work out his remedy before the appropriate forum.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police
O/o. Superintendent of Police,
Trichy District

2. The Inspector of Police
Somarasampettai Police Station,
Trichy District.

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

+ 1 cc TO Mr.S.Malakani , Advocate in SR No. 50851

RR

AE/SKN RSK/SAR4/03.04.2018/2P/5C