



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED**

H.C.P.[MD].No.608 of 2018

Maheshwari : Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti Taluk, Tuticorin District.

3.Murugaveni

4.Saraswathy

5.Polaiyah

: Respondents

PRAYER: Petition is 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 petitioner's husband, namely, Chandrasekar, aged about 43 years, S/o.Polaiyah and the petitioner's female child Akshya, daughter of Chandrasekar, aged about 10 years, and male child, namely, Harish, S/o.Chandrasekar, aged about 7 years, before this Court and set them at liberty.

For Petitioner : Mr.V.Muthuvelan

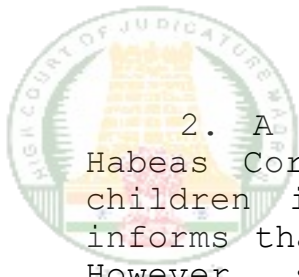
For Respondents 1&2 : Mr.K.Dinesh Bau
Additional Public Prosecutor

For Respondents 3 to 5 : Mr.S.Muthal Raj

O R D E R

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

The present Habeas Corpus Petition has been filed by the wife of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of her husband, namely, Chandrasekar, aged about 43 years, her female child - Akshya, aged about 10 years and male child - Harish, aged about 7 years, before this Court and set them at liberty.



2. A very reading of the affidavit filed in support of the Habeas Corpus Petition informs that the petitioner had left her children in the custody of her in-laws. The affidavit further informs that the husband of the petitioner has been working abroad. However, she has stated in the accompanying affidavit, dated 24.04.2018 that she did not know as to whether her husband had returned back to India or not and whether he was alive or not.

3. The learned counsel appearing for the respondents 3 to 5 submits that the petitioner knows very well that her husband is working abroad and in support of his contention, the learned counsel has produced a copy of salary particulars of the detenu for the month of May 2018.

4. The learned counsel appearing for the petitioner submits that the petitioner is being denied access to her children, who are under the custody of the respondents 3 to 5.

5. Considering the above, more particularly the fact that the petitioner had left the children in the custody of her in-laws, this Court feels it appropriate to close the Habeas Corpus Petition with a direction that the respondents 3 to 5 shall not stand in the way of the petitioner visiting her children. Of course, it would be open to the petitioner, if she is to seek custody of her children, to approach the appropriate forum.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tuticorin District.

2.The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti Taluk, Tuticorin District.

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

+1cc to Mr.S.Muthal Raj, Advocate, SR.No.70838.

+1cc to Mr.V.Muthuvelan, Advocate, SR.No.71002.

ORDER MADE IN
H.C.P. [MD].No.608 of 2018
03.07.2018