



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE **C.T.SELVAM**

AND

THE HONOURABLE MR.JUSTICE **A.M.BASHEER AHAMED**

H.C.P. [MD] .No.814 of 2018

Francis

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

3. Namadurai

: 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 petitioner's son Leo Prakash, S/o.Francis, aged about 39 years and daughter-in-law - Jeyalakshmi, W/o.Leo Prakash, aged about 38 years, before this Court and set them at liberty.

For Petitioner : Mr.R.Mohanasundaram

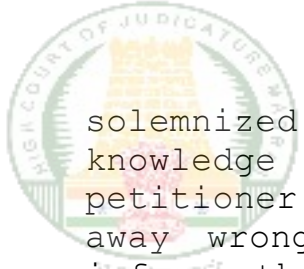
For Respondents 1&2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner seeks production of his son, namely, Leo Prakash, aged about 39 years and daughter-in-law - Jeyalakshmi, W/o.Leo Prakash, aged about 38 years before this Court and set them at liberty.

2. Today, both the detenues are present in Court. Both of them are informed to suffer mental retardation. The third respondent/the brother of the daughter-in-law of the petitioner is also present. He admits that the marriage of the couple has been



solemnized by the family members on either side with the fullest knowledge that both suffer mental retardation. While the petitioner informs that his son and daughter-in-law were taken away wrongfully by the third respondent, the third respondent informs that the petitioner had dropped them at his house.

3. We find it difficult to accept the submission of the third respondent. If the third respondent wishes to act in the interest of the mentally retarded couple, he has to do so by initiating appropriate Court proceedings. Thus, we entrust the custody of Leo Prakash and Jeyalakshmi, W/o.Leo Prakash with the petitioner herein and close the Habeas Corpus Petition.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Colachel Police Station, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.A.Rajkumar Sen , Advocate in SR No. 68999

NB

AE/SKN RSK/SAR4/03.07.2018/2P/5C

**ORDER MADE IN
H.C.P. [MD] .No.814 of 2018
20.06.2018**