



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA
and
THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.1824 of 2017

P.Ganesan

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Sub Inspector of Police,
Reddiyarchatram Police Station,
Dindigul, Dindigul District

3. G.Paramasivam

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the respondents 1 and 2 to produce the body or person of the detenu namely, G.Vasuki, W/o.P.Ganesan, aged 35 years, the petitioner's son, namely, G.Jegan, aged 11 years and the petitioner's daughter G.Madhu Shalini, aged 9 years before this Court and set them at liberty.

For Petitioner : Mr.D.Selvaraj

For Respondents : Mr.C.Ramesh
1 & 2 Additional Public Prosecutor

O R D E R

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

This is the second Habeas Corpus Petition filed by the petitioner. The petitioner, who is the husband of the detenu, has moved this petition for a direction to the Respondents 1 and 2 to produce his wife, Vasuki, aged 35 years, son, Jegan, aged 11 years and the petitioner's daughter Madhu Shalini, aged 9 years respectively, before this Court and set them at liberty.



2. According to the petitioner, his wife along with the children, was found missing from 19.11.2017. Therefore, he lodged a complaint and a case has been registered in Crime No.191/2017. Even thereafter, since no effective steps have been taken by the respondents 1 and 2, the petitioner is before this Court with this petition.

3. When this matter came up for hearing on 29.01.2018, the detenus were produced before this Court. After enquiry, this Court passed the following order:

"This petition has been filed seeking direction to the respondents 1 and 2 to produce the detenus, namely, G.Vasuki (aged 35 years), minor G.Jegan (aged 11 years) and minor G.Madhu Shalini (aged 9 years), who are the wife and children of the petitioner respectively before this Court and set them at liberty.

2.Heard the learned counsel for the petitioner husband and the learned Additional Public Prosecutor appearing for R1 and R2.

3.It is stated that this is second habeas corpus petition filed by the petitioner for production of his wife and children and the first one was filed, when his wife eloped with Paramasivam/R3 herein. It is further stated that on account of her previous elopement with him, her parents committed suicide. The person with whom she eloped with, namely, Paramasivam is already a married man, having two children.

4.On enquiry with the son of the petitioner husband, he has shown keen interest in accompanying his father. The girl child is in a dilemma. However, separation of the girlchild at this stage and age from her mother would be detrimental to her growth and therefore, as an interim measure, the girl child, viz., minor G.Madhu Shalini is permitted to be with the mother. The petitioner has undertaken that he would admit his son in a boarding school, so that his career and progress will be duly taken care of.

5.List the matter on 12.02.2018 to see the progress of the children. The wife is given visitation right to see her son on every Saturday and Sunday."

4. Today, when the matter came up for hearing, the detenu along with her children and the petitioner were present. On being enquired the two minor detenus expressed their willingness to accompany their mother, for which, the petitioner/husband has also agreed. Since the major detenu/wife of the petitioner is a major, she is set at liberty to act as per her own wish.



5. With the above observation, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

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

RR
TE/KKR/SAR-2 : 08/03/2018 : 3P/4C

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