



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

H.C.P. (MD) No.1378 of 2018

S.Manikandan @ Arul

: Petitioner

Vs

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
- 3.The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

- 4.Ranjitham @ Nandhini
- 5.Kathiresan

: Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing to the respondents 1 to 3 to produce the corpus or body of the petitioner's minor daughter namely Harivarsha, aged 6 years before this Honourable High Court by rescuing her from the illegal custody of the respondents 4 & 5 and handed over to the petitioner.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.K.Dinesh Babu

Addl.Public Prosecutor for RR-1 to 3

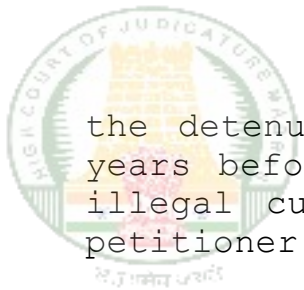
Mr.S.Chellapandian for R-4

O R D E R

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

<https://hcservices.ecourts.gov.in/hcservices/>

This Habeas Corpus Petition has been filed by the father of



the detainee for production of her daughter, Harivarsha, aged 6 years before this Honourable High Court by rescuing her from the illegal custody of the respondents 4 & 5 and hand over to the petitioner.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is working as a Driver, while so, he married Ranjitham @ Nandhini, the fourth respondent herein with the blessings of both family on 17.06.2010. Since then, they were living happily and they were also blessed with two female children namely Varshini, born on 17.03.2011 and Harivarsha, born on 16.08.2012. Thus, while their family life was going smoothly, the fourth respondent developed some association with one Kathiresan, fifth respondent herein. While it was questioned, the fourth respondent also admitted the illegal association with the fifth respondent. The fourth respondent apologized for the same and promised that she would not repeat the same. Accepting the said undertaking given by the fourth respondent, the petitioner started to live together. But she was unable to keep up her promise. She continued her illegal intimacy with the fifth respondent. Again, when it was questioned, she ran away from the matrimonial home on 20.11.2015 and she went to her parents' home along with her 6 years old daughter Harivarsha. The petitioner has afraid of the safety of his second child. Since the respondents 4 & 5 are having some illegal intimacy, if or any reason, anything happens to his second child, no one will be able to make good the loss. Therefore, he has come forward to this Court.

3. Both the fourth respondent and detainee was produced by the respondent Police.

4. After a brief conversation with both the fourth respondent and her daughter namely Harivarsha, we are able to see that she never lived with the fifth respondent and it is a mere allegation made against her by the petitioner and she is ready to live with the petitioner. But the petitioner also stated that he is not prepared to take the fourth respondent to matrimonial home.

5. When we enquired the detainee, she refused to go with the petitioner/father. Therefore, this Habeas Corpus petition is dismissed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/



To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.

3.The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

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

+ 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 89349

VS

TE/RP/SAR-1 : 30/10/2018 : 3P/6C

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