

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6/12/2019

C O R A M

THE HON'BLE MR.JUSTICE R.SUBBIAH
&
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2674 of 2019

K. Govindasamy ... Petitioner

Vs

1. The Superintendent of Police
Villupuram District
Villupuram.

2. The Inspector of Police
Nallanpillaipetral Police Station
Villupuram.

3. Mrs.G.Revathi Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body and person of the petitioner's minor children (1) KAVYA, now aged 8 years (2) REENA, now aged 7 years and (3) MENAKA, now aged 6 years and (4) KANISHTIKA, now aged 5 years, who are under the illegal custody of the third respondent before this Court and handover to the petitioner forth.

For petitioner... Mr.B.Janakiram

For respondents... Mr.R.Pratap Kumar

Additional Public Prosecutor
for RR 1 and 2.

O R D E R

(Order of the Court was made by R.Subbiah, J)

Petitioner, who is the father of the minor children, viz., Kavya, Reena, Menaka, Kanishtika and Dharshan, aged about 8, 7, 6, 5 and 4 years, respectively, has filed the instant Habeas Corpus Petition, to direct the respondents 1 and 2 to produce the petitioner's minor children, who are under the illegal

custody of Mrs.G.Revathi, third respondent before this Court and handover to the petitioner forthwith.

2. Heard Mr.B.Janakiram, learned counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor for the respondents 1 and 2.

3. Today, the detenue/petitioner's minor children Kavya, Reena, Menaka, Kanishtika and Dharshan, aged about 8, 7, 6, 5 and 4 years, respectively, were produced along with the third respondent/wife of the petitioner.

4. On enquiry, the third respondent submitted that the petitioner is her husband and unable to tolerate the torture given by him, she on her own accord, left the house along with five children and went to Bangalore, where her mother is residing. Presently, she is along with her children in her mother's house at Bangalore. She has also expressed her willingness to go along her husband.

5. In the above circumstances, we are of the opinion that the detenues are not in illegal detention. Hence, nothing survives for adjudication in this petition. The Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Superintendent of Police
Villupuram District
Villupuram.

2. The Inspector of Police
Nallanpillaipetral Police Station
Villupuram.

3. The Public Prosecutor, High Court, Madras - 104.

+2ccs to Mr.B.Janakiram , Advocate SR.No. 102594

H.C.P.No.2674 of 2019

A.SK(28/01/2020)