



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.08.2019
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.678 of 2019

P.Karunamoorthi ... Petitioner
Vs.

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

2.The Inspector of Police,
Thirukattupalli Police Station,
Thanjavur District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's Wife namely Chandra, aged 37 years W/o. Karunamoorthi, Petitioner's son namely Yadava Prasad, aged 3 months baby before this Hon'ble Court and set them at liberty.

For Petitioner : Mr.P.Edin Brough
For Respondents 1 and 2 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

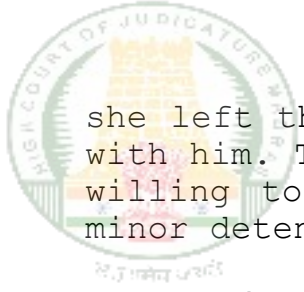
(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner is the husband of the first detainee viz., Chandra, aged 37 years and according to him out of the marriage they were blessed with two children, female child aged about 10 years and male child 3 months and alleging that she is missing from 06.07.2019 onwards he lodged a complaint on the file of the second respondent, based on which, a case in Crime No.105 of 2019 has been registered for woman and boy missing and the petitioner being very much concerned with the wellbeing and whereabouts of his wife and child came forward to file this Habeas Corpus Petition.

2.Heard Mr.P.Edin Brough, learned counsel appearing for the petitioner and Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents.

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

3.The detainee Chandra is produced along with her minor son Yadava Prasad and according to her, out of the matrimonial discard



she left the company of the petitioner and she did not want to live with him. The petitioner is also present and according to him, he is willing to live with his wife and also wants the custody of the minor detenu.

4. In the light of the fact that the detenu Chandra is a major, aged about 37 years and it prima-facie appears that on her own volition she left the company of the petitioner along with the 3 months old baby and further, she is not willing to go back to the matrimonial home, this Court is not in a position to entrust the custody of the detenus to the petitioner.

5. In view of the above, this Habeas Corpus Petition is closed. However, the petitioner is at liberty to work out his remedies before the competent forums.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

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

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-81745[F] dated 14/08/2019)

H.C.P(MD) No. 678 of 2019
09.08.2019

sj

MK (26.08.2019) 2P 5C