



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 30.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 702 OF 2019

P.Lakshmanasamy

.. Petitioner

- Vs -

1. The Superintendent of Police
Dindigul District, Dindigul.

2. The Inspector of Police
Idaiyakottai Police Station,
Idaiyakottai, Ottanchathiram Taluk
Dindigul.

3. Dhanaraj
4. Palanichamy
5. Durai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the body or person of the petitioner's wife, viz., Pasupathi, aged about 25 years and his son, viz., Jegath, aged about 2 years before this Hon'ble Court and set them at liberty.

For Petitioner : Mr. V.Muthusamundeeswaran

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner is the husband of the major detenu, viz., Pasupathi, aged about 25 years and father of the minor detenu, viz., Jegath, aged about 2 years and alleging illegal custody and detention at the hands of respondents 3 to 5 came forward to file the present habeas corpus petition.

2. Learned counsel appearing for the petitioner submits that the 3rd respondent has influenced his wife to go along with him taking the minor detenu as well and apprehending the safety and well being of the major and minor detenus, the petitioner has lodged a complaint on the file of the 2nd respondent and since no action was



taken on the said complaint, the petitioner is constrained to approach this Court by filing the present petition.

3. Per contra, Mr.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of the 2nd respondent, on instructions, submit that based on the complaint given by the petitioner, the 2nd respondent has registered a case in CSR No.75/2019 and enquired the petitioner as well as the major detinue and the major detinue gave a statement that on account of matrimonial discord she, along with her minor son are residing with her parents.

4. This Court has carefully considered the submissions advanced on either side and perused the materials available in the typed set of documents.

5. In the light of the fact that the wife of the petitioner, along with her minor son are residing at her parental home on account of alleged matrimonial discord between her and the petitioner, this Court is of the considered view that no positive order could be passed in favour of the petitioner. Accordingly, this habeas corpus petition is dismissed. However, the petitioner is at liberty to work out the remedies available to him under law before the competent forum, if so advised.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS

To

1. The Superintendent of Police
Dindigul District, Dindigul.
2. The Inspector of Police
Idaiyakottai Police Station,
Idaiyakottai, Ottanchathiram Taluk
Dindigul.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

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