



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.706 of 2019

WEB COPY

M.Geethanjali

... Petitioner/Wife of
the Petitioner

Vs.

1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

3.Karuppasamy

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents 1 and 2 to produce the body or person of the detenu, the petitioner's husband, namely, Manikandan, son of Karuppasamy, aged about 32 years, from the illegal custody of the third respondent before this Court and set him at liberty.

For Petitioner : Mr.G.Rajaguru

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R.1 & R.2

Mr.R.J.Karthick for R.3

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O R D E R

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

The petitioner claims to be wife of the detenu viz., Manikandan S/o. Karuppasamy, aged about 32 years and she would state that both of them loved each other and they got married in the year 2014 and out of the wedlock one female child viz., Dheeswarani was born on 07.02.2018 at Coimbatore Medical College Hospital, Coimbatore. The birth certificate bearing registration number B-2018:33-15959 -000699 was also issued. The petitioner alleging illegal custody of the detenu at the hands of the third respondent,



who is father of the detenu, came forward to file this Habeas Corpus Petition.

2. When the matter is taken up out of turn for the reason that the detenu has been produced, on enquiry the detenu would state that he has nothing to do with the petitioner and he does not know her at all and denied the fact that he is the father of Dheeswarani, aged about one year.

3. Mr. R. J. Karthick, learned counsel appearing for the third respondent would submit that the petitioner is with the third respondent and at present he is employed at Chennai.

4. Mr. K. Dinesh Babu, learned Additional Public Prosecutor appearing for the second respondent would submit that on the complaint of the petitioner a case in Crime No. 231 of 2019 was registered on 30.07.2019 for man missing and in the light of the statements of the petitioner and the detenu the investigation will proceed on right lines and DNA Test would be conducted if both of them give their consent.

5. The detenu has no objection for taking DNA Test and so also the petitioner. In the light of the fact that the detenu being a major and he has expressed his disinclination to go with the petitioner for the reason that he is denying the factum of marriage with her and birth of the daughter, no positive order can be passed in favour of the petitioner. However, taking into consideration, the submission of the petitioner as well as the detenu that medical tests, which include DNA test can be conducted, the second respondent is directed to do the needful.

6. This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

14.08.2019

sj

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.



2.The Inspector of Police,
Boothapandi Police Station,
Kanyakumari District.

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

+1 CC to M/s.G.RAJAGURU, Advocate (SR-81709[F] dated 14/08/2019)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-81866[F] dated 16/08/2019)

H.C.P(MD)No.706 of 2019
14.08.2019

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