



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 01.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 721 OF 2019

WEB COPY

Shanmuganathan

.. Petitioner

- Vs -

1. The Superintendent of Police
Sivagangai District.

2. The Inspector of Police
All Women Police Station,
Manamadurai, Sivagangai District.

3.Velusamy

4.Ramasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body and person of the petitioner's wife, viz., Kanaga, aged 27 years, Sivadarshan, son, aged 9 years and Akshaya Kumar, aged 7 years respectively, from the illegal custody of respondents 3 and 4 herein, before this Hon'ble Court and set them at liberty.

For Petitioner : Mr. V.S.Kumaraguru

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 detinue, viz., Kanaga, aged about 27 years and the father of the minor detenus, viz., Sivadarshan, aged 9 years and Akshaya Kumar, aged 7 years and alleging their illegal custody/detention at the hands of respondents 3 and 4, who are the father-in-law and brother-in-law of the petitioner, has come forward to file this petition.

2. Heard the learned counsel appearing for the petitioner and Mr. Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice for the 2nd respondent and also perused the materials available in the typed set of documents.

3. Prima facie it appears that it is a case of matrimonial discord and even as per the complaint of the petitioner, the major detinue has left the company of the petitioner on account of difference of opinion. Learned Addl. Public Prosecutor brought to



the attention of this Court that on earlier two occasions, similar complaint was given and it was enquired into and those complaints were found to be lodged on account of matrimonial discord.

4. In the light of the above facts and circumstances, this Court is unable to come to the aid of the petitioner and, accordingly, this habeas corpus petition stands dismissed. However, the petitioner, if so advised, is at liberty to work out his remedies in accordance with law before the competent forums.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police
Sivagangai District.
2. The Inspector of Police
All Women Police Station,
Manamadurai, Sivagangai District.
3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.V.S.KUMARAGURU, Advocate SR-79828.

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