



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.783 of 2019

Veldurai

: Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

3.Mohanraj

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondent police to produce the person or body of the petitioner's wife namely, Maragatham, W/o.Veldurai, aged 26 years, and his son Vishnu S/o.Veldurai aged 4 years, before this Court and set them at liberty.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.Dinesh Babu for R1 & R2
Additional Public Prosecutor

ORDER

(Order of the Court was made by T.RAJA., J)

This Habeas Corpus Petition has been filed for a direction to the respondent police to produce the petitioner's wife namely, Maragatham, W/o.Veldurai, aged 26 years, and his son Vishnu S/o.Veldurai aged 4 years, before this Court and set them at liberty.

2. When this matter was taken up for hearing, this Court, by order, dated 03.09.2019, passed the following order:

"We separately called the wife, her husband and her parents and independently enquired from them regarding the actual dispute. It comes to light that there is a dispute between the petitioner and his wife Maragatham and they have four year old son. The petitioner and the said Maragatham are closely related, even prior to their marriage. The petitioner stated that he will take care of the son and provide him with all necessities and give him proper education. His wife Maragatham stated that she does



not want to live with the petitioner due to differences between them and therefore, she will continue to live at Tiruppur, where she claims to be working in a small company. The said Maragatham further stated that the child can be permitted to be with the petitioner/father and she will come and see the child as and when she finds time and she must be permitted to have the visitation rights of the child. The parents of the said Maragatham also agreed for this interim arrangement and they stated that they are more concerned about the welfare of the child.

2. In view of the above, the child is now permitted to be taken by his father namely, the petitioner. The respondents 1 and 2/Police is directed to accommodate the above said Maragatham in a Home at Tiruppur run by the Government and she can continue to go for work from the Home. She will also be entitled to visit the child.

3. This interim arrangement will continue for a period of six weeks. Thereafter, this Court will take into consideration the further developments in this case and pass appropriate final orders.

4. Post this matter after six weeks."

3. Today, it is stated before this Court that the detinue was staying in the Government Home and visitation right has been given to her to see the child and the said position is continuing till date.

4. Learned Additional Public Prosecutor submitted that the detinue/wife of the petitioner is not willing to go with her husband/petitioner and hence, this matter may be disposed of.

5. In view of the said submissions made by the learned Additional Public Prosecutor that the wife of the petitioner is not willing to go and live with the petitioner and wants to continue to be in the Government Home, we do not want to keep the matter pending. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To

WEB COPY

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

Copy to
Marialaya Home for Childrens(Girls)
8/11/12, Kasthuri bai Street,
Annupanpalayam, Tiruppur.

+1 CC to Mr.T.A.EBENEZER, Advocate (SR-82505[F] dated
20/08/2019)

Order made in
H.C.P. (MD)No.783 of 2019
Dated: 20.12.2019

KM/ (22.01.2020) 3P 6C