



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P. (MD)No.903 of 2019

M.Kannan

: Petitioner

Vs.

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

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.

3.Sundarajan

4.Anusuya

5.Arun Prakash

: 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 respondents 1 and 2 to produce the body or person of the detainees, the petitioner's daughter, namely, Ishwarya, aged about 20 years and the petitioner's grand daughter, namely, Soundaranayagi, aged about 1 year, before this Court and set them at liberty.

For Petitioner

: Mr.S.Sarvagan Prabhu

For Respondents

: Mr.K.Dinesh Babu

Additional Public Prosecutor
for R1 and R2

Mr.R.Gowri Shankar

for R4 and R5

for R3 : No appearance

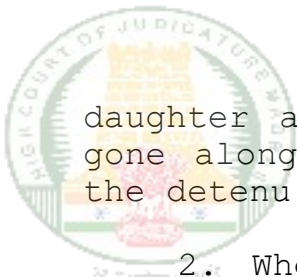
ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

This is one of those unfortunate cases, where the father of the
detenu has filed this Habeas Corpus Petition on the ground that his



daughter along with grand daughter, which is ten months old, had gone along with the third respondent, who is the father-in-law of the detenu.

2. When this matter came up for admission, we directed the second respondent to immediately find the whereabouts of the detenu and the child.

3. The learned Additional Public Prosecutor mentioned this case today morning and informed this Court that the detenu and the child along with the third respondent have been secured by the respondent police from Korukkupet, Chennai and now, they are produced before this Court.

4. We enquired the detenu and she categorically admitted that she had gone along with her father-in-law, who is the third respondent, to Chennai and was living there. She had her own grievances against her husband, who is the fifth respondent and it looks like there is a matrimonial dispute between the detenu and the fifth respondent.

5. The fourth respondent, who is the mother of the fifth respondent and mother-in-law of the detenu, was also present before this Court. She stated that the detenu has brought disgrace to the family and she was personally aware of the fact that the detenu had a relationship with her husband, namely, the third respondent. She further stated that she and her son had warned the detenu and the third respondent many times regarding this and inspite of the same, they continued the relationship and now, they have gone to the extent to setting up a separate family at Chennai. She stated that the child may be handed over to them and they will take care of the child.

6. The petitioner, who is the father of the detenu was also personally examined by us. He also reiterated the fact that there was a relationship between his daughter and the third respondent, who is the father-in-law. He stated that both the daughter and the grand daughter should be sent along with him.

7. Heard the learned counsel appearing on behalf of the petitioner, the learned counsel appearing on behalf of the respondents 4 & 5 and the learned Additional Public Prosecutor appearing on behalf of the State.

8. On a careful consideration of the statements made by the respective parties and the submissions made on either side, we find that there are overwhelming materials to satisfy ourselves that there is an illegal relationship between the detenu and the third respondent, who is the father-in-law. In fact, the second respondent had secured the detenu along with the third respondent at Chennai. This fact is further supported by the



statements made by all the parties to the effect that the detenu has a relationship with her own father-in-law.

9. In this petition, we are more concerned about the future of the minor girl child, which is hardly ten months old. The child cannot be brought up in such an environment and it will not be in the interest of the child to allow its custody to continue with the detenu. That apart, we are also not very sure about the safety and security of the child in the hands of the detenu, who has been lured by lust with her own father-in-law.

10. We, therefore, direct the detenu to hand over the child to her husband, namely, the fifth respondent. The fifth respondent is supported by his mother and the child can be brought up in a safe environment, if it remains with the fourth and fifth respondents.

11. It is left open to the parties to file an appropriate petition before the concerned Court and work out their matrimonial and family dispute in accordance with law.

12. Accordingly, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

PJL

To

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

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.

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

+1 CC to M/s.R.GOWRI SHANKAR, Advocate (SR-89511[F] dated
26/09/2019)

H.C.P. (MD) No. 903 of 2019
24.09.2019

KK/SAR/21.10.2019/3P-5C/

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