



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **10.12.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.926 of 2019

B.Velmurugan

... Petitioner

Vs.

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

2.The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.

3.Vigneswaran, S/o.Vellaisamy

4.The Inspector of Police,
Town Police Station,
Bodinayakannoor.

... Respondents

[R4 suo motu impleaded as per order of this Court
dated 30.09.2019]

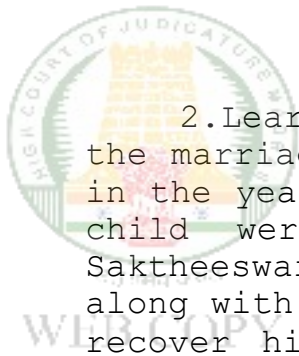
Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the detainee, namely, Hanya Sri, aged about 5 years, D/o.B.Velmurugan and consequently, to hand over the detainee to the petitioner's custody.

For Petitioner	: Mr.M.S.Jeyakarthick
For R1, R2 and R4	: Mr.K.Dinesh Babu
	Additional Public Prosecutor

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

The petitioner, father of the detainee viz., Hanya Sri, aged about 5 years, has come to this Court, seeking a direction to the respondents to produce the person or body of the detainee before this Court and hand over her to him.



2.Learned counsel appearing for the petitioner submitted that the marriage between the petitioner and one Saktheeswari took place in the year 2013 and two children viz., one female child and a male child were born in the said wedlock. Thereafter, the said Saktheeswari left the matrimonial home with the third respondent along with two children. After sometime, the petitioner was able to recover his son only. Since the daughter viz., Hanya Sri, aged about 5 years, is still with the custody of the petitioner's wife, the petitioner has been advised to come to this Court for the relief stated supra.

3.Learned Additional Public Prosecutor appearing for the respondents 1, 2 and 4 after securing the petitioner's wife and the detinue viz., Hanya Sri, produced them before us. We negotiated with the petitioner's wife and the detinue separately. The wife of the petitioner has stated that her husband has been termed as an addict to drugs, only due to intolerable harassment and cruelty caused by the petitioner, she left the matrimonial home with the detinue. The detinue has also clearly spoken that she is not willing to go with the petitioner/father.

4.In view of the above, since the wife of the petitioner has stated that only due to intolerable harassment and cruelty caused by the petitioner, she left the matrimonial home and also pleaded that she is not prepared to part with her daughter, we are unable to persuade the wife of the petitioner and also the detinue to go along with the petitioner. Hence, this Habeas Corpus Petition is dismissed. It is open to the parties to approach the concerned forum to redress their grievances in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

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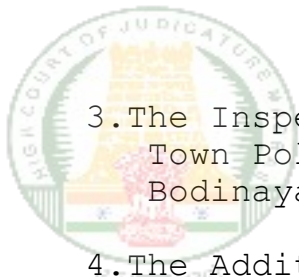
Sub Assistant Registrar(CS)

smn2

To

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

2.The Inspector of Police,
Bodinayakanur Police Station,
Theni District.



3.The Inspector of Police,
Town Police Station,
Bodinayakannoor.

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

+1.CC. To Mr.M.S.Jeyakarthick, Advocate in SR No.104382

H.C.P. (MD) No. 926 of 2019
10.12.2019

MK (02.01.2020) 3P 6C