

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 975 of 2020

K.Manjula

... Petitioner/

wife & mother of detainee

Vs.

1.The State Rep. by the
The Superintendent of Police,
Thiruppathur District,
Thiruppathur.

2.The Inspector of Police,
Kandii Police Station,
Thirupathur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents produce the persons and body of the petitioner's husband THIRU.M.KANAGARAJ, S/o.Mahalingam, aged about 30 years and her minor daughter K.THIYA SHREE, D/o.M.Kanagaraj, aged about 3 years, before this Hon'ble court and set them at liberty.

For Petitioner : Mr.E.Kannadasan

For Respondents : Ms.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of the minor child. Seeking a direction to the respondents to produce the persons and body of the petitioner's husband M.Kanagaraj, S/o.Mahalingam, aged about

30 years and her minor daughter K.Thiya Shree, D/o.M.Kanagaraj, aged about 3 years, before this Court, the present habeas corpus petition has been filed.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.Learned Additional Public Prosecutor, on instructions, submitted that with the knowledge of the petitioner, her husband has eloped with other person along with the minor child.

4.Though it may not be a case of illegal custody, considering the fact that the minor child is four years old, we direct the respondents/ police to take all endeavours to secure the minor child. As and when the minor child is secured, she along with the husband of the petitioner will have to be produced before the concerned jurisdictional Magistrate Court. The petitioner is also at liberty to work out the remedy in the manner known to law.

5.With the above direction, the habeas corpus petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/mmi/ssm

To

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

2.The Inspector of Police,
Kandii Police Station,
Thirupathur District.

3.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 975 of 2020

BS (CO)
RMP (17/07/2020)