



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P. (MD) No. 144 of 2020

Vijayalakshmi : Petitioner/mother of the detenus
Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.
3. Veerayi
4. Karthick
5. Saravanan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the second respondent to produce the body or person of the detenus namely Anbumozhi, D/o. Thennarasu, aged about 8 years and Anbarasan, S/o. Thennarasu, aged about 10 years, before this Hon'ble Court and hand over them in petitioner's custody.

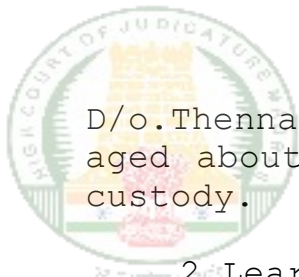
For Petitioner : Ms. R. Jenifar Bibin

For Respondents 1 & 2 : Mr. K. Dinesh Babu
Additional Public Prosecutor

ORDER

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

Petitioner, Vijayalakshmi, who is a prime accused in Cr.No.432/2019, on the file of the second respondent, on the allegations of causing death of her husband, has obtained bail and thereafter, she has come to this court with this habeas corpus petition, seeking issuance of writ of habeas corpus, directing the second respondent/Inspector of Police, Jaihindpuram Police Station, Madurai City to produce the detenus by name Anbumozhi,



D/o.Thennarasu, aged about 8 years and Anbarasan, S/o.Thennarasu, aged about 10 years, before this Court and hand over them to her custody.

2.Learned counsel appearing for the petitioner submitted that there was a case registered against the petitioner on the allegation that she was responsible for causing the death of her husband. Subsequently, on registration of F.I.R, she was arrested and remanded to judicial custody and thereafter, she has also obtained bail. In the mean while, the petitioner handed over the detenus/her children to her mother. Subsequently, for the reasons best known to the respondents 3 to 5, the children were taken away and now, they are in the custody of the brother-in-law of the petitioner. Since the petitioner's children are under the custody of her brother-in-law, who is the brother of her deceased husband, she has been advised to come to this Court, so that the petitioner could have the lawful custody of her children.

3.Opposing the above prayer, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, submitted that it is a clear case of killing her own husband joining with her paramour. After registration of F.I.R, when a detailed enquiry and investigation was undertaken by the respondent Police, it was found that after careful enquiry with the neighbours, the respondent Police have arrested her along with her paramour. Now, she has come out on bail. In the meanwhile, the detenus are under the safe custody of the brother of the deceased, namely the brother-in-law of the petitioner. Therefore, the present petition is not legally maintainable.

4.We also find full merits on the submissions made by the learned Additional Public Prosecutor, when the petitioner is facing serious charges for the alleged commission of offence, causing death of her own husband, we are unable to find any merits in this petition. Therefore, this petition fails and the same is dismissed.

Sd/-

Assistant Registrar(Crl Side)

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/ /2020

Sub Assistant Registrar(CS)

vs



To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

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

+1 CC to M/s. JENIFER BIBIN, Advocate (SR-9701[F] dated 03/03/2020
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H.C.P. (MD) No. 144 of 2020

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TR(10.06.2020) 3P 5C