



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.545 of 2020

WEB COPY

M.Vellaisamy

... Petitioner

-vs-

1.State rep.by

The Inspector of Police (Circle)

L & O

Valanadu Police Station,Valanadu,
Trichy District.

2.Akila

The Sub-Inspector of Police,

Edamalapatti,

now working at

Pudhur Police Station,

Trichy Taluk, Trichy District.

3.Kamalam

4.Samsudeen

5.Natarajan

6.Chithra

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the first respondent to cause the production of the body or person of the petitioner's two minor children namely Vijayakala, aged 16 years, daughter of M.Vellaisamy and Sabarinathan, aged 7 years, son of M.Vellaisamy, before this Court and handover them to the petitioner.

For Petitioner : Mr.M.Vellaisamy, Party-in-Person

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R1

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the first respondent to produce his minor children, namely, Vijayakala, aged 16 years and Sabarinathan, aged 7 years, before this Court and handover their custody to him.



2. Today, when the matter is taken up for hearing, the sixth respondent - Chitra, who is the wife of the petitioner, appeared before this Court along with her five children, namely, Vijayakala, Vijayakumar, Vijayaraj, Vijayanand and Sabarinathan, through Video Conferencing from the Office of the Public Prosecutor.

3. It is the case of the petitioner that one of his sons, namely, Ponnershankar, was murdered by his wife - Chitra and despite lodging of a Police complaint, no action was taken.

4. On enquiry, the sixth respondent - Chitra stated that on 08.07.2020, the said Ponnershankar died in a motor vehicle accident.

5. Since the detainees have already appeared and gave a statement, no further adjudication is required in this habeas corpus petition and the same is, therefore, closed. However, liberty is given to the petitioner to workout his remedy in the criminal case before the appropriate Forum in the manner known to law.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

KRK

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1.The Inspector of Police (Circle),
L & O,
Valanadu Police Station, Valanadu,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

WEB COPY

+1 CC to Mr.M.VEKKAISAMY, Advocate (SR-21530[F] dated
09/11/2020)

H.C.P. (MD) No.545 of 2020
05.11.2020

CK(CO)
KM (11.11.2020) 3P 4C