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H.C.P.(MD) Nos.394 & 417 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) Nos.394 & 417 of 2020

H.C.P. (MD) No.394 of 2020:

Muthumari

... Petitioner

-vs-

1.The Superintendent of Police
Ramanathapuram District
Ramanathapuram

2.The Inspector of Police
Uchipuli Police Station
Uchipuli
Ramanathapuram District

3.Rajesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the detainee namely Divya, (aged about 28 years), wife of Late.Soundarapandian and Minor Yojana (aged about 3 years), daughter of Late.Soundarapandian, before this Court, who are under the illegal custody of the third respondent herein and set them at liberty.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

H.C.P. (MD) No.417 of 2020:

Seemaichamy.V

... Petitioner

-vs-

1. The Superintendent of Police
Ramanathapuram District



2. The Special Sub Inspector of Police
Uchipuli Police Station
Ramanathapuram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the petitioner's daughter-in-law, namely, Mrs.Divya, aged 28 years and grand-daughter, namely, Yojana, aged 3 years, before this Court and set them at liberty.

For Petitioner : Mr.M.S.Parthiban

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

C O M M O N O R D E R

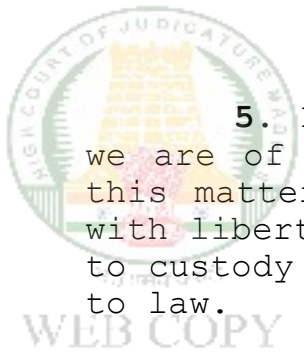
[Order of the Court was made by K.KALYANASUNDARAM, J.]

H.C.P.(MD) No.394 of 2020 has been filed by the father of the first detainee, namely, Divya, wife of Late.Soundarapandian, aged about 28 years and grandfather of the second detainee, namely, Yojana, daughter of Late.Soundarapandian, aged about three years, for their production before this Court and to set them at liberty. Whereas, H.C.P.(MD) No.417 of 2020 came to be filed by the father-in-law of the said Divya.

2. It is the case of the petitioners that the detainees, namely, Ms.Divya and her minor daughter Yojana are found missing from 16.03.2020 and they are kept in illegal detention by one Rajesh, son of Soundarajan, who is the third respondent in H.C.P.(MD) No.394 of 2020.

3. Today, the petitioners in both habeas corpus petitions along with the detainees appeared before this Court through Video Conferencing. On enquiry, the first detainee, namely, Ms.Divya informed that she was living with the said Rajesh, who was already married and the proposal to contract second marriage between her and the said Rajesh was being objected to by his first wife and therefore, she has decided to reside in Thiruvannamalai on her own volition.

4. When Mr.K.R.Laxman, learned counsel for the petitioner in H.C.P.(MD) No.394 of 2020, requested the detainee Divya to handover her minor child Yojana either to her father or father-in-law, she refused to handover her minor child to either of them.



5. In the light of the above statement of the first detainee, we are of the opinion that no further adjudication is required in this matter and the habeas corpus petitions are, therefore, closed with liberty to the petitioners to workout their remedy, with regard to custody of the minor child and other reliefs, in the manner known to law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

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To:

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Uchipuli Police Station,
Uchipuli,
Ramanathapuram District.
3. The Special Sub Inspector of Police,
Uchipuli Police Station,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) Nos.394 & 417 of 2020
06.10.2020

SJ(CO)
CS(16.10.2020) 3P 5C